

Washington, Friday, May 20, 1960

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141c 4452			165 to End (\$1.00); Title 50 (\$0.70).
141d 4452	•		Order from the Superintendent of Documents,
141e 4452		•	Government Printing Office, Washington 29, D.C.



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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3349

UNITED STATES OF AMERICA-JAPAN CENTENNIAL YEAR

By the President of the United States of America

A Proclamation

WHEREAS a special Japanese mission, comprising three principal officers together with nearly seventy subordinates, arrived in Washington on May 14, 1860, presented credentials to President Buchanan on May 17, exchanged the ratifications of the Treaty of Amity and Commerce of 1858 on May 22, took leave of the President on June 5, and sailed from New York for Japan on June 30, 1860; and

WHEREAS the visit of this mission to the United States, which was an act of reciprocity for the missions of Matthew C. Perry and Townsend Harris to Japan, provided an auspicious introduction of Japanese officials to this country; and

WHEREAS the year 1960 marks the one-hundredth anniversary of the first Japanese diplomatic mission to the United States; and

WHEREAS in signing the Treaty of Mutual Cooperation and Security on January 19, 1960, the two nations have envisaged a lasting partnership based on equality and on mutual interest and understanding; and

WHEREAS both Governments look forward to the celebration of this year as the centennial of reciprocal United States-Japanese diplomatic relations: NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the year 1960 to be the United States of America-Japan Centennial Year.

I call upon all agencies and officers of the Federal Government, upon the Governors of the States, and upon the American people to observe this year as the United States of America-Japan Centennial Year.

I urge that throughout this period—especially during the week from September 27 to October 3—appropriate steps be taken, through celebrations, visits, and other observances and activities, to emphasize both the historical event of a century ago and the inauguration of a new era in the relations between the two countries, founded on amity, common interest, mutual trust, and cooperation, with the view that intelligence, imagination, and wisdom among our respective peoples may be brought into full play to achieve a world at peace with freedom and justice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed

DONE at the City of Washington this fourteenth day of May in the year of our Lord nineteen hundred and [SEAL] sixty, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

LOY W. HENDERSON,
Acting Secretary of State.

[FR. Doc. 60-4597; Filed, May 18, 1960; 1:04 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B-LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Wheat Bulletin A]

PART 421—GRAINS AND RELATED **COMMODITIES** -

Subpart—1960-Crop Wheat Price Support Program

421.5026 Administration. Applicability of §§ 421.5026 to 421.5027 421.5031. 421.5028 Definitions.

421.5029 Compliance requirements.

421.5030 Effect of unknowingly exceeding farm wheat acreage allotment: method of determination.

421.5031 Application for review and request for reconsideration.

AUTHORITY: §§ 421.5026 to 421.5031 issued under sec. 4, 62 Stat. 1070 as amended; 15 Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 408, 63 Stat. 1054, 68 Stat. 904, sec. 125, 70 Stat. 198; 15 U.S.C. 714c, 7 U.S.C. 1421, 1428, 1441, 1374.

§ 421.5026 Administration.

The price support program for wheat will be administered by the Commodity Stabilization Service, under the general direction and supervision of the Executive Vice-President, Commodity Credit Corporation, and will be carried out in the field by the State and county Agricultural Stabilization and Conservation committees (hereinafter referred to as State and county committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

$\S~421.5027$ Applicability of $\S\S~421.5026$ to 421.5031.

Sections 421.5026 to 421.5031 state the eligibility requirements for producers of wheat under the 1960 crop wheat price support program with respect to compliance with wheat acreage allotments, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.5028 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) "Farm", "State Committee" "State Administrative Officer", "County Committee", "Person" and "Operator" shall have the same meaning as defined in 7 CFR Part 719, Chapter VII, Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages (23 F.R. 6731), as amended.

(b) "Producer" means a person producing wheat in 1960 as landowner, land-

lord, tenant or sharecropper.

(c) "Wheat acreage allotment" means the wheat acreage allotment established for the farm in accordance with the regulations pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat (7 CFR 728.1010 to 728.1025; 24 F.R. 2475), March 31, 1959, and any amendments thereto.

(d) "Wheat acreage" means any acreage planted to wheat and any acreage of volunteer (self-seeded) wheat which is not disposed of or destroyed by the disposal date determined under 7 CFR 728.855; excluding: (1) Any acreage of a mixture of other grains and wheat which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States; (2) any acreage of wheat cover crop; (3) any acreage of wheat grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station: (4) any acreage of wheat grown in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land provided such acreage is not harvested, but is left on the land for wildlife feed; (5) any acreage of unharvested wheat which is disposed of by mechanical means to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (ii) within an extended period of time as authorized by the county or State committee in accordance with 7 CFR 728.855(a) (2) and (3); (6) any acreage of unharvested wheat in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county as determined under 7 CFR 728.855, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the county or State committee in accordance with 7 CFR 728.855(a) (2) and (3); (7) any acreage of unharvested wheat not in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas

within the county as determined under 7 CFR 728.855, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the county or State committee in accordance with 7 CFR 728.855(a) (2) and (3); provided, that this item (7) shall be applicable only if the producer requests the county committee to exempt such acreage not in excess of the allotment from the classification of wheat acreage (i) not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county as prescribed in 7 CFR 728.855 (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm; or (iii) within an extended period of time as authorized by the county committee in accordance with 7 CFR 728.855(a) (2) and (3); and (8) any acreage of volunteer wheat intergrown with Merion bluegrass, Newport bluegrass, Code 95 Kentucky bluegrass, Pennlawn fescue, S-143 orchardgrass, Climax timothy, Essex timothy, or seaside bentgrass, grown for seed production only and meeting all conditions of the provisions of 7 CFR 728.897 (25 F.R. 3119), provided the wheat production from such acreage is donated to a Federal or State wildlife refuge project or State fish and game commission for use as wildlife feed in accordance with the provisions of 7 CFR 728.897 (25 F.R. 3119). Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat and poulard wheat except that any acreage of such grains containing more than 10 percent wheat shall be considered wheat acreage.

(e) "Excess wheat acreage" means the wheat acreage determined for the farm which is in excess of the farm wheat

acreage allotment.

(f) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is, while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county as prescribed in 7 CFR 728.855. Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850 to 728.895; 23 F.R. 2549) and any amendments thereto.

(g) "Commercial wheat-producing area" means the area designated by the Secretary of Agriculture as the commercial wheat-producing area for the 1960-1961 marketing year. Such designation appears in 7 CFR 728.1005; 24

F.R. 4507, June 3, 1959.

(h) "States outside the commercial wheat-producing area" means those States designated by the Secretary of Agriculture as being outside the commercial wheat-producing area for the 1960-1961 marketing year. Such designation appears in 7 CFR 728.1005; 24 F.R. 4507, June 3, 1959.

§ 421.5029 Compliance requirements.

(a) Commercial wheat-producing area. A producer shall not be eligible for price support on wheat produced in 1960 on a farm in the commercial wheat-producing area unless (1) the 1960 wheat acreage on the farm on which such wheat is produced is not in excess of the wheat acreage allotment, (2) if the producer has an interest in the 1960 wheat crop produced on any other farm in the same county, he is entitled to receive a marketing certificate for each such farm; and (3) if the producer is engaged in the production of wheat in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 728.867 (c), Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850 to 728.895; 23 F.R. 2549), and any amendments thereto, to such multiple farm producer, he is entitled to receive a marketing certificate for each such farm wherever situated. Wheat produced in violation of a restrictive lease on Federally-owned land shall not be eligible for price support. No wheat produced on any farm which receives an increased allotment under the provisions of 7 U.S.C. 1334(i) applicable in Modoc and Siskiyou Counties, California, shall be eligible for price support.

(b) States outside the commercial wheat-producing area. Any producer in States outside of the commercial wheat-producing area shall be eligible for price support without regard to wheat acreage allotment in accordance with other regulations issued by Commodity Credit Corporation governing eligibility for price support. However, wheat produced in violation of a restrictive lease on Federally-owned land shall not be eligible to the control of the control

gible for price support.

§ 421.5030 Effect of unknowingly exceeding farm wheat acreage allotment; method of determination.

The wheat acreage on a farm shall not be deemed to be in excess of the wheat acreage allotment for the purpose of price support unless the operator knowingly exceeded such allotment. If the wheat acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraph (a), (b) or (c) of this section that he has not knowingly exceeded his allotment and the determination of the county committee is approved on review by the State administrative officer.

(a) Erroneous notice of acreage allotment. The wheat acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office the farm operator was officially notified in writing of a wheat acreage allotment for the 1960 crop which was larger than the finally-approved acreage allotment, the farm operator or any producer on the farm acting solely on the information contained in the erroneous notice,

planted an acreage to wheat in excess of the finally-approved acreage allotment, and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to wheat on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreages provided in 7 CFR 728.855, Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850 to 728.895; 23 F.R. 2549) and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of wheat customarily planted; and all other pertinent facts shall be taken into consideration.

(b) Erroneous notice of measured acreage. The wheat acreage allotment for the farm will not be considered to be knowingly exceeded in any case where (1) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations: (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the wheat acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error: and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) Failure to measure acreage or notify operator. The wheat acreage allotment for the farm will not be considered to be knowingly exceeded in any case where (1) through no fault of the farm operator or any producer on the farm the wheat acreage was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to the final date for the disposition of excess acreage; (2) the excess acreage was relatively small; and (3) the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the wheat acreage was in excess of the farm acreage allotment. Nothing in this paragraph (c) shall affect any producer's liability for penalties on excess wheat determined under the Wheat Marketing Quota Regulations for 1958 and Subse-

quent Crop Years (7 CFR 728.850 to 728.895; 23 F.R. 2549), and any amendments thereto.

§ 421.5031 Application for review and request for reconsideration.

Any producer who is dissatisfied with any determination with respect to compliance with his wheat acreage allotment may, within 15 days after the date of mailing to him Form MQ-24, "Notice of Farm Acreage Allotment and Marketing Quota," or Form MQ-93-Wheat, "Notice of Farm Marketing Quota and Farm Marketing Excess of Wheat," file a written application for review of such determination by a review committee: Provided, That such application for review is based on a determination which the producer has the right to have reviewed under 7 CFR 711.13, Marketing Quota Review Regulations as issued by the Secretary of Agriculture (7 CFR Part 711; 21 F.R. 9365), and any amendments thereto. Unless application for review is made within such 15-day period, such determination shall be final.

Issued this 16th day of May 1960.

CLARENCE D. PALMBY, Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-4578; Filed, May 19, 1960; 8:51 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

The C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 was supplemented by 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Barley (25 F.R. 3570), containing specific requirements applicable to price support operations on the 1960 barley crop. These regulations are further supplemented as follows:

§ 421.5087 Support rates.

(a) Basic support rates at designated terminal markets. Basic support rates per bushel for barley of the Classes Barley, and Western Barley grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Ra	te per
Terminal market: br	ushel
Atchison, Kans	\$1.00
Kansas City, Mo	1.00
Saint Joseph, Mo	1.00
Omaha, Nebr	1.00
Sioux City, Iowa	1.00
Minneapolis, Minn	1.00
Duluth, Minn	1.00
Superior, Wis	1.00
Saint Paul, Minn	1.00
Galveston, Tex	1.07
Houston, Tex	1.07
Port Arthur, Tex	1.07
Baton Rouge, La.	1.07
New Orleans, La	1.07
Chicago, Ill	1.02

Rațe per	ARKANSA	s—Continued	IDAHO—Continued			
Terminal markets—Continued $b\bar{u}shel$ St. Louis, Mo	Rate pe			te per		ite per
Milwaukee, Wis 1.02	County bushel Pike \$0.7	County bushel	County by	ishel		ushel
Memphis, Tenn	Poinsett 8		Bonneville	. 67	Jerome Kootenai	.79
Longview, Wash	Polk70		Boundary	. 70	Latah	. 80
Vancouver, Wash 1.03	Pope7		Butte	. 67	Lemhi	. 67
Seattle, Wash 1.03	Prairie 88		Camas	. 68	Lewis	
Portland, Oreg 1.03	Pulaski 8' Randolph 8		Canyon	. 74 . 69	Lincoln Madison	. 69 . 67
Astoria, Oreg	St. Francis 8		Cassia	. 68	Minidoka	. 69
San Francisco, Calif	Saline8		Clark	. 67	Nez Perce	. 80
Oakland, Calif1.03	Scott70		Clearwater	. 79	Oneida	. 69
Los Angeles, Calif 1.03	Searcy73	3 .	Custer	. 67	Owyhee	. 74
Albany, N.Y 1.11	CAL	IFORNIA	Franklin	. 72 . 69	Payette	. 75 . 69
Philadelphia, Pa	Alameda \$0.9	2 Placer \$0.91	Fremont	. 67	Shoshone	.71
Baltimore, Md 1.11 New York, N.Y 1.11	Alpine8	4 Plumas84	Gem	. 74	Teton	. 67
Norfolk, Va	Amador 9		Gooding	. 70	Twin Falls	. 67
	Butte8 Calaveras9		Idaho Jefferson	.77	Valley Washington	. 72 . 75
(b) Basic county support rates. (1)	Colusa8		Jenerson	. 67	_	. 19
The following basic county support rates per bushel are established for barley of	Contra Costa			ILLII	RION	
the Classes Barley, and Western Barley	El Dorado9	San Diego87	Adams	•	Lee	
grading No. 2 or better. Farm-storage	Fresno8		Alexander	. 85	Livingston	. 85
loans and country warehouse-storage	Glenn8		Bond Boone	. 86 . 86	Logan McDonough _	. 85 . 83
loans, except as otherwise provided in	Imperial8		Brown	. 83	McHenry	.87
§ 421.5083(b), will be based on the sup-	Inyo		Bureau	. 85	McLean	.85
port rate established for the county in	Kern8		Calhoun	. 85	Macon	. 85
which the barley is stored.	Kings8		Carroll	.84	Macoupin	. 87
(2) If two or more approved ware-	Lake8		Cass	. 85	Madison	. 87
houses are located in the same or adjoin-	Lassen7		Champaign Christian	. 85 . 85	Marion Marshall	. 85 . 85
ing towns, villages or cities having the	Madera9		Clark	. 84	Mason	.85
same domestic interstate freight rate,	Marin9		Clay	. 84	Massac	
such towns, villages or cities shall be	Mariposa9		Clinton	. 87	Menard	. 85
deemed to constitute one shipping point,	Mendocino8		Coles	. 85	Mercer	. 83
and the same support rate shall apply	Merced9 Modoc8		Cook	. 88 . 83	Montgomery _	. 86 . 85
even though such warehouses are not all	Mono		Cumberland _	. 85	Morgan	. 85
located in the same county. Such sup-	Monterey8		De Kalb	. 87	Moultrie	. 85
port rate shall be the highest support rate	Napa9:		De Witt	. 85	Ogle	. 85
of the counties involved.	Orange9	0 Yuba90	Douglas	. 85	Peoria	. 84
ALABAMA	Co	LORADO	Du Page Edgar	. 88 . 84	Perry Platt	. 85 . 85
Rate per County bushel	Adams \$0. 69	Kit Carson \$0.71	Edwards	. 83	Pike	.84
All counties \$0.84	Alamosa6		Effingham	. 84	Pope	.81
· ·	Arapahoe69		Fayette	. 85	Pulaski	. 85
Alaska All areas\$0.96	Archuleta54		Ford	. 85	Putnam	. 85
	Baca		Franklin	. 85 . 84	Randolph Richland	. 85 . 84
ARIZONA	Boulder69		Gallatin	. 81	Rock Island	.83
Rate per Rate per	Chaffee , 5		Greene	. 87	Saint Clair	. 87
County bushel County bushel	Cheyenne7		Grundy	. 86	Saline	. 81
Apache \$0.53 Mohave \$0.62 Cochise78 Navajo53	Conejos 60		Hamilton	. 84 . 82	Sangamon Schuyler	. 84 . 84
Coconino55 Pima84	Crowley6		Hardin	. 78	Scott	.85
Gila	Custer6		Henderson	. 82	Shelby	. 85
Graham74 Santa Cruz79	Delta54		Henry	. 84	Stark	. 84
Creenlee60 Yavapai65	Denver69		Iroquois	. 85	Stephenson	. 84
Maricopa86 Yuma87	Dolores50		Jackson	. 85	Tazewell	. 85 . 85
ARKANSAS	Douglas69 Eagle59		Jasper Jefferson	. 84 . 85	Vermilion	. 85
Arkansas \$0.88 Greene \$0.88	Elbert69		Jersey	. 87	Wabash	. 82
Ashley80 Hempstead78	El Paso69	Routt54	Jo Daviess	. 83	Warren	. 83
Baxter79 Hot Spring80	Fremont60		Johnson	. 79	Washington _	. 85
Benton 76 Howard 78	Garfield54		Kane Kankakee	. 88 . 88	Wayne White	. 83 . 81
Boone78 Independence .83 Bradley79 'Izard80	Grand56		Kendall	.87	Whiteside	. 84
Bradley79	Jackson60		Knox	. 83	Will	. 88
Carroll77 Jefferson86	Jefferson69		Lake	.88	Williamson	. 85
Chicot80 Johnson78	Kiowa7:	Yuma71	La Salle	. 86	Winnebago	. 84
Clark80 Lafayette78	Con	NECTICUT	Lawrence	. 84	Woodford	. 85
Clay88 • Lawrence88 Cleburne88 Lee88		\$0.88		INDI	ANA	
Cleveland82 Lincoln84	DE	LAWARE	Adams	80. 81	Decatur	\$0.78
Columbia78 Little River78	All countles		Allen	. 81	De Kalb	. 81
Conway86 Logan78	<u>'না</u>	ORIDA	Bartholomew _	. 78	Delaware	. 81
Craighead88 Lonoke88		\$0.87	Benton	. 83	Dubois	. 77
Crawford77 Madison76 Crittenden88 Marion78		EORGIA	Blackford Boone	. 82 81	Flagette	. 83
Cross88 Miller78	All counties	\$0.87	Brown	. 81 . 78	Floyd	. 79 . 76
Dallas80 Mississippi88		DAHO "	Carroll	. 84	Fountain	. 82
Desha88 Monroe88			Cass	.84	Franklin	. 79
Drew	County bushel		Clark	. 76	Fulton	. 84
Faulkner87 Nevada78 Franklin78 Newton78	County bushel	County bushel Benewah \$0.79	Clay	. 80 . 83	Gibson	. 79
Fulton82 Ouachita79	Adams72		Crawford	. 76	Greene	. 82 . 79
Garland80 Perry80	Bannock69	Blaine68	Daviess	. 79	Hamilton	.81
Grant80 Phillips88	Bear Lake69		Dearborn	. 77	Hancock	. 81
	•					

Indiana—Continued

MICHIGAN—Continued

•	_					<u></u>	•••••
Rat	te pe r	Ra	te per	Rate pe r	Rate per	Rate per	Rate per
County bu	shel	County bu	shel	County bushel	County bushel	County bushel	County bushel
Harrison 8		Perry		Brown \$0.84	McPherson \$0.78	Lake \$0.75	
						Tonor 70.70	Oceana \$0.75
Hendricks	. 81	Pike	.78	Butler79	Marion79	- Lapeer79	Ogemaw76
Henry	. 81	Porter	.87	Chase81	Marshall	Leelanau70	Ontonagon73
Howard	. 83	Posey	. 79	Chautauqua81	Meade74	Lenawee80	Osceola
Huntington -	.81	Pulaski	. 85	Cherokee82			Oscoda76
Jackson	. 78	Putnam	. 81	Cheyenne73	Mitchell79	Luce70	Otsego 69
Jasper	.86	Randolph	. 82	Clark74	Montgomery82	Mackinac70	Ottawa80
	. 81	Ripley	.77			Macomb80	
Jay							Presque Isle68
Jefferson	. 76	Rush	.80	Cloud79	Morton71	Manistee75	Roscommon70
Jennings	.77	Saint Joseph _	.83	Coffey83	Nemaha83	Marquette75	Saginaw 79
Johnson	. 79	Scott	.77	Comanche75	Neosho83	Mason74	Saint Clair 79
Knox	. 79	Shelby	. 79	Cowley79	Ness77	Mecosta75	Saint Joseph 83
Kosciusko	. 83	Spencer	. 73	Crawford83	Norton77	Menominee77	Sanilac77
Lagrange	. 82	Starke	. 84	Decatur75	Osage83	Midland78	Schoolcraft72
Lake	. 88	Steuben	.81	Dickinson79	Osborne78	Missaukee75	Shiawassee80
La Porte	. 85	Sullivan	. 79	Doniphan83	Ottawa 79	Monroe81	Tuscola77
Lawrence	. 79	Switzerland _	. 74	Douglas85	Pawnee77	Montcalm78	Van Buren82
	. 82		. 83				
Madison		Tippecanoe					Washtenaw80
Marion	. 80	Tipton	. 82	Elk81	Pottawatomie82	Muskegon78	Wayne 80
Marshall	. 83	Union	. 79	Ellis77	Pratt77	Newaygo77	Wexford76
Martin	. 78	Vanderburgh _	. 79	Ellsworth78	Rawlins74	Oakland77	
						Outraine Little	
Miami	. 83	Vermillion	. 82	Finney74	Reno78	Minn	TPCOTA
Monroe	. 79	Vigo	. 82	Ford76	Republic79	2121111	LIJOIR
Montgomery -	. 82	Wabash	. 83	Franklin85	Rice78	Aitkin \$0.85	Martin \$0.81
Morgan	. 79	Warren	. 83	Geary	Riley 82	Anoka84	Meeker84
Newton	. 85	Warrick	. 76	Gove75	Rooks77	Becker 79	Mille Lacs84
Noble	. 82	Washington _	.77	Graham77	Rush77	Beltrami 79	Morrison83
				Grant73	Russell77		
Ohio	. 77	Wayne	.81			Benton 84	Mower82
Orange	. 77	Wells	.81	Gray75	Saline79	Big Stone80	Murray80
Owen	. 79	White	.86	Greeley73	Scott74	Blue Earth83	Nicollet84
			[Greenwood81	Sedgwick79		
Parke	. 82	Whitley	. 83			Brown83	Nobles79
	Io	₹A.		Hamilton73	Seward73	Carlton86	Norman78
				Harper78	Shawnee83	Carver84	Olmsted83
Adair	\$0.83	Jefferson	\$0.79	Harvey79	Sheridan75	Cass82	Otter Tail81
Adams	. 84	Johnson	. 81				
		_		Haskell74	Sherman73	Chippewa82	Pennington77
Allamakee	. 80	Jones	. 81	Hodgeman77	Smith78	Chisago84	Pine84
Appanoose	. 80	Keokuk	.79	Jackson84	Stafford77	Clay79	Pipestone80
Audubon	. 84	Kossuth	.80	Jefferson85	Stanton72		
		_				Clearwater79	Polk77
Benton	.80	Lee	.81	Jewell79	Stevens	Cottonwood81	Pope82
Black Hawk	. 79	Linn	.80	Johnson86	Sumner79	Crow Wing83	Ramsey84
Boone	. 81	Louisa	.81	Kearny73	Thomas74		
						Dakota84	Red Lake
Bremer	. 79	Lucas	.81	Kingman78	Trego77	Dodge83	Redwood82
Buchanan	. 79	Lyon	.81	Kiowa :77	Wabaunsee82	Douglas82	Renville83
Buena Vista	. 81	Madison	. 81	Labette82	Wallace73		
	. 79	Mahaská	. 78				Rice84
Butler				Lane75	Washington 80	Fillmore80	Rock79
Calhoun	. 82	Marion	.80	Leavenworth87	Wichita73	Freeborn83	Roseau76
Carroll	.84	Marshall	. 80	Lincoln78	Wilson82		
			. 87				Saint Louis83
Cass	. 83	Mills		Linn83	Woodson 83	Grant81	Scott84
Cedar	. 81	Mitchell	. 81	Logan74	Wyandotte87	Hennepin84	Sherburne84
Cerro Gordo	.80	Monona	. 85	Lyon	· ·		
Cherokee	.81	Monroe	. 79	1,021 1111111111111111111111111111111111			
				Kent	UCKY	Hubbard80	Stearns84
Chickasaw	.80	Montgomery _	. 85		40.00	Isanti84	Steele83
Clarke	. 81	Muscatine	.81	All counties	\$0.82	Itasca83	Stevens81
Clay	.80	O'Brien	. 81	Loun	774374		
						Jackson80	Swift ,82
Clayton	. 79	Osceola	.81	All counties	\$0.75	Kanabec84	Tódd82
Clinton	. 82	Page	.85			Kandiyohi84	Traverse80
Crawford	. 85	Palo Alto	.80	MA			
				All counties	\$0. 88	Kittson75	Wabasha84
Dallas	. 82	Plymouth	. 83			Koochiching	Wadena82
Davis	. 80	Pocahontas	.80	Mary	LAND	Lac qui Parle80	Waseca83
Decatur	. 80	Polk	. 81	All counties	\$0.88	Lake of the	
Delaware	.80	Pottawat-		ini countrolling			
			07	Massac	HUSETTS	Woods77	Watonwan82
Des Moines	. 81	tamie	. 87		\$0. 88	Le Sueur 84	Wilkin 79
Dickinson	. 80	Poweshiek	. 79	in countres	φυ, σο	Lincoln80	Winona83
Dubuque	.81	Ringgold	.80	Mitos	IIGAN		
			. 82	2*****	1101114	Lyon81	Wright84
Emmet	.81	Sac		Rate per	Rate per	McLeod84	Yellow
Fayette	. 79	Scott	. 82			Mahnomen78	Medicine82
Floyd	. 80	Shelby	. 85	County bushel	County bushel		
Franklin	. 79	Sioux	. 82	Alcona \$0.69	Dickinson \$0.76	Marshall77	
	. 15			Alger73	Eaton80	Mean	ISSIPPĪ
Fremont	. 86	Story	. 81				
Greene	. 82	Tama	. 79	Allegan80	Emmet69	All counties	\$0.84
Grundy	. 79	Taylor	. 83	Alpena69	Genessee79	35	
				Antrim70	Gladwin76	IVLIS	SOURI
Guthrie	. 83	Union	. 82		Gogebic79	Rate per	Rate per
Hamilton	. 80	Van Buren	. 80				
Hancock	.80	Wapello		Baraga77	Grand Traverse . 73	County bushel	County bushel
				Barry80	Gratiot79	Adair \$0.81	Camden \$0.81
Hardin	. 79	Warren	. 81	Bay	Hillsdale80	Andrew84	Cape
Harrison	. 86	Washington _					
Henry	.80	Wayne		Benzie 78	Houghton74	Atchison84	Girardeau 86
		Webster		Berrien83	Huron75	Audrain83	Carroll84
	. 81			Branch81	Ingham80	Barry81	Carter78
Howard			. 81			Barton83	Cass
Humboldt	. 80	Winnebago		Calhoun81	Ionia		
Humboldt	. 80	Winneshiek			Iosco70		
Humboldt	.80	Winneshiek	.80	Cass83		Bates85	Cedar
Humboldt Ida Iowa	. 80 . 83 . 79	Winneshiek Woodbury	.80				Chariton83
Humboldt	. 80 . 83 . 79	Winneshiek	.80 .83 .81	Charlevoix69	Iron74	Benton83	Chariton83
Humboldt Ida Iowa Jackson	.80 .83 .79 .82	Winneshiek Woodbury Worth	.80 .83 .81	Charlevoix69 Cheboygan68	Iron74 Isabella77	Benton83 Bollinger86	Chariton83 Christian81
Humboldt Ida Iowa	.80 .83 .79 .82	Winneshiek Woodbury Worth Wright	.80 .83 .81	Charlevoix69	Iron74	Benton83 Bollinger86 Boone83	Chariton83 Christian81 Clark83
Humboldt Ida Iowa Jackson	.80 .83 .79 .82	Winneshiek Woodbury Worth	.80 .83 .81	Charlevoix69 Cheboygan68 Chippewa70	Iron	Benton83 Bollinger86 Boone83	Chariton83 Christian81 Clark83
Humboldt Ida Iowa Jackson Jasper	.80 .83 .79 .82 .80	Winneshiek Woodbury Worth Wright NSAS	.80 .83 .81 .80	Charlevoix	Iron	Benton	Chariton83 Christian81 Clark83 Clay86
Humboldt Ida Iowa Jackson Jasper	.80 .83 .79 .82 .80 KA	Winneshiek Woodbury Worth Wright NSAS Barber	.80 .83 .81 .80	Charlevoix 69 Cheboygan 68 Chippewa 70 Clare 78 Clinton 79	Iron .74 Isabella .77 Jackson .80 Kalamazoo .83 Kalkaska .70	Benton	Chariton 83 Christian 81 Clark 83 Clay 86 Clinton 85
Humboldt Ida Iowa Jackson Jasper	.80 .83 .79 .82 .80 KA	Winneshiek Woodbury Worth Wright NSAS	.80 .83 .81 .80	Charlevoix	Iron	Benton	Chariton .83 Christian .81 Clark .83 Clay .86 Clinton .85 Cole .82
Humboldt	.80 .83 .79 .82 .80 KA \$0.83	Winneshiek Woodbury Worth Wright NSAS Barber Barton	.80 .83 .81 .80 \$0.77	Charlevoix 69 Cheboygan 68 Chippewa 70 Clare 78 Clinton 79 Crawford 70	Iron .74 Isabella .77 Jackson .80 Kalamazoo .83 Kaikaska .70 Kent .79	Benton	Chariton 83 Christian 81 Clark 83 Clay 86 Clinton 85
Humboldt Ida Iowa Jackson Jasper	.80 .83 .79 .82 .80 KA \$0.83	Winneshiek Woodbury Worth Wright NSAS Barber	.80 .83 .81 .80 \$0.77	Charlevoix 69 Cheboygan 68 Chippewa 70 Clare 78 Clinton 79	Iron .74 Isabella .77 Jackson .80 Kalamazoo .83 Kalkaska .70	Benton	Chariton .83 Christian .81 Clark .83 Clay .86 Clinton .85 Cole .82

M isso	URI-	-Continued	1	Nebraska-	-Continued	North D	AKOT	-Continued	
Rate	per	Ra	te per	Rate per	Rate per	Rate	per	Ra	te per
County bush			shel	County bushel	County bushel	County bush			ishe l
Crawford \$0		New Madrid _		Custer \$0.79	Loup \$0.79	Mercer \$0			\$0. 72
Dade	.82	Newton	.81	Dakota83	McPherson76		.70	Sioux	. 70
Dallas	. 80	Nodaway	. 83	Dawes	Madison83		. 69	Slope	.65
Daviess De Kalb	.84 .84	Oregon	. 82 . 83	Dawson	Merrick83 Morrill72		. 74 . 70	Stark	.77
	.83	Osage	.79	Dixon	Nance83		. 74	Stutsman	. 75
Douglas	.78	Pemiscot	.88	Dodge86	Nemaha84		. 72	Towner	.72
Dunklin	. 88	Perry	.85	Douglas87	Nuckolls81		.74	Traill	. 77
Franklin	. 87	Pettis	. 83	Dundy73	Otoe85		. 77	Walsh	. 74
Gasconade	. 85	Phelps	. 84	Fillmore82	Pawnee83	Renville	. 69	Ward	. 69
	.83	Pike	. 84	Franklin79	Perkins73		. 79	Wells	. 73
Greene	. 81	Platte	. 87	Frontier77	Phelps79		. 72	Williams	. 68
Grundy	. 83	Polk	. 82	Furnas77	Pierce82	Sargent	. 77		
Harrison	. 82	Pulaski	. 82	Gage	Platte84		Он	TO.	
Henry	. 85	Putnam	. 81	Garden	Polk				
Hickory	. 83 . 83	Ralls Randolph	.84 .83	Garfield80 Gosper78	Red Willow76 Richardson83	Adams \$0			\$0.81
Holt Howard	.83	Ray	. 85	Grant73	Rock77		. 81	Logan	. 80
Howell	. 80	Reynolds	.81	Greeley82	Saline84		. 82	Lorain	. 82 . 81
Iron	.85	Ripley	. 88	Hall81	Sarpy87		. 84 . 81	Lucas Madison	. 80
Jackson	.87	St. Charles	.90	Hamilton82	Saunders86		. 81	Mahoning	. 84
Jasper	. 82	St. Clair	. 84	Harlan78	Scotts Bluff70		. 82	Marion	. 81
	. 88	St. Francois	. 85	Hayes74	Seward85		. 80	Medina	.82
Johnson	. 84	Ste. Genevieve	. 85	Hitchcock75	Sheridan72		. 80	Meigs	.80
Knox	. 82	Saint Louis	.90	Holt80	Sherman80		. 82	Mercer	.81
Laclede	. 81	Saline	.84	Hooker75	Sioux69		.80	Miami	. 81
Lafayette	. 85	Schuyler	.80	Howard81	Stanton83		. 80	Monroe	. 82
Lawrence	. 81	Scotland	82	Jefferson83	Thayer82	Clermont	.80	Montgomery _	. 80
Lewis	. 83	Scott	. 87	Johnson84	Thomas76	Clinton	. 80	Morgan	. 82
Lincoln	. 87	Shannon	. 78	Kearney79	Thurston84		. 83	Morrow	. 81
Linn	. 82	Shelby	. 83	Keith	Valley80		. 82	Muskingum _	. 82
Livingston	. 84	Stoddard	. 87	Keya Paha77 Kimball69	Washington86		. 81	Noble	. 82
McDonald	. 81	Stone	. 80 . 81	Knox80	Wayne		. 82	Ottawa	. 81
Macon Madison	. 81 . 85	Sullivan	.79	Lancaster86	Wheeler82		. 83	Paulding	. 81
Maries	.84	Taney	. 78	Lincoln76	York		. 81	Perry	. 81
Marion	. 83	Vernon	. 84	Logan77			. 81 . 81	Pickaway	. 80 . 80
Mercer	. 82	Warren	. 88				. 81	Portage	.82
Miller	.81	Washington _	. 85		/ADA		. 80	Preble	.80
Mississippi	. 87	Wayne	. 87	An counties	\$0. 74		. 81	Putnam	.81
Moniteau	. 81	Webster	. 79	New Ha	MPSHIRE		.80	Richland	. 82
Monroe	. 83	Worth	. 82	All counties	\$0. 88		. 80	Ross	.80
Montgomery _	. 85	Wright	. 78	New .	Jensey		. 84	Sandusky	. 81
Morgan	. 81				\$0. 88	Greene	. 80	Scioto	. 80
	3/03	TANA			·		. 82	Seneca	. 81
			•	New I	MEXICO		. 80	Shelby	. 81
Beaverhead \$0		Madison		Rate per	Rate per		. 81	Stark	. 82
Big Horn	. 56	Meagher		County bushel	County bushel		. 81	Summit	. 82
Blaine	. 57	Mineral	. 64	Bernalillo \$0.59	Mcra \$0.59		. 82	Trumbull Tuscarawas	.84
Broadwater	. 59	Missoula	. 63	Catron52	Otero72		.81 .80	Union	.82 .81
Carbon	. 56	Musselshell	. 58	Chaves77	Quay79		.81	Van Wert	.81
Carter Cascade	.64 .59	Park	. 59 . 59	Colfax63	Rio Arriba ,54		. 82	Vinton	.81
Chouteau	. 59	Petroleum	. 58	Curry79	Roosevelt78		. 81	Warren	.80
Custer	. 62	Pondera	. 59	De Baca75 Dona Ana59	Sandoval59 San Juan38		. 80	Washington _	. 82
Daniels	.60	Powder River	. 61	Dona Ana59 Eddy75	O	Jefferson	. 83	Wayne	. 82
Dawson	. 63	Powell	. 59	Grant 59	San Miguel	Knox	. 82	Williams	. 81
Deer Lodge	. 59	Prairie	. 63	Guadalupe73	Sierra59	Lake	. 83	Wood	.81
Fallon	. 64	Ravalli	. 60	Harding75	Socorro59	Lawrence	.80	Wyandot	. 81
Fergus	. 59	Richland	. 63	Hidalgo70	Taos60		7727 AT	703/64	
Flathead	. 63	Roosevelt	. 64	Lea	Torrance61	, i	OKLAE		
Gallatin	. 59	Rosebud	. 58	Lincoln72	Union77		. 77	Grant	
Garfield	. 62	Sanders	. 64	Luna	Valencia55		. 77	Greer	. 77
Glacier	. 60 58	Sheridan	. 63	McKinley47			. 77	Harmon	. 77
Golden Valley Granite	. 58 . 60	Silver Bow Stillwater	. 59 . 58	New	YORK		. 74 . 77	Harper	.75 .77
Hill	. 59	Sweet Grass _	.59	All counties	\$0. 88		.77	Haskell	.77
Jefferson	. 59	Teton	. 59	Normy (CAROLINA			Hughes Jackson	. 77
Judith Basin .	. 59	Toole	. 59	All counties		Bryan Caddo	.77 .77	Jefferson	. 77
Lake	.63	Treasure	. 58		•		.77	Johnston	. 77
Lewis and	-	Valley	. 60	North	DAKOTA		. 77	Kay	.77
Clark	. 59	Wheatland	. 59	Rate per	Rate per		. 78	Kingfisher	. 77
Liberty	. 59	Wibaux	.64	County bushel	County bushel		. 77	Kiowa	. 77
Lincoln	. 65	Yellowstone _	. 58	Adams \$0.68	Emmons \$0.72	Cimarron	. 72	Latimer	. 77
McCone	. 63			`Barnes77	Foster75		. 77	Le Flore	. 77
•	NEBE	MASKA		Benson73	Golden Valley 65		. 77	Lincoln	. 77
4.5				Billings68	Grand Forks		. 77	Logan	. 77
	0.80	Burt		Bottineau70	Grant		.77	Love McClain	. 77 . 77
Antelope	. 81	Butler	. 85 86	Burke67	Griggs		. 81 . 77	McCurtain	. 77
Arthur Banner	.73	Cass	. 86 . 81	Burke69 Burleigh72	Kidder73		. 77	McIntosh	. 77
Blaine	.77	Chase	.73	Cass	La Moure75		. 81	Major	. 77
Boone	82	Cherry	.75	Cavalier73	Logan		.77	Marshall	. 77
Box Butte	. 73	Cheyenne	.70	Dickey76	McHenry71		. 76	Mayes	. 80
Boyd	.79	Clay	. 81	Divide67	McIntosh73	Garfield	. 77	Murray	. 77
Brown	. 77	Colfax	. 85	Dunn68	McKenzie65		. 77	Muskogee	. 77
Buffalo	. 80	Cuming	.85	Eddy74	McLean71	Grady	.77	Noble	.77

No. 99----2

Oklahoma-	OKLAHOMA—Continued			TEXAS—Continued			Texas—Continued		
Rate per	Rate per		e per		e per	Rate per	Rate per		
County bushel Nowata \$0.82	Rogers \$0.80	County bus Bandera \$	hel n sa		shel 30.84	County bushel San Saba \$0.86	County bushel Tyler \$0.94		
Okfuskee77	Seminole77	Baylor	. 81	Hill	.90	Schleicher76	Upshur		
Oklahoma77	Sequoyah77	Bee	.91	Hockley	. 81	Scurry	Upton73		
Okmulgee	Stephens77	Bell Bexar	. 92 . 90	Hood Hopkins	. 86 . 85	Shackelford	Uvalde86 Val Verde81		
Ottawa81	Tillman77	Blanco	.91	Houston	.94	Sherman78	Van Zandt88		
Pawnee77	Tulsa79	Borden	. 81	Howard	.81	Smith	Victoria94		
Payne77 Pittsburg77	Wagoner79 Washington81	Bosque Bowie	. 89 . 85	Hudspeth Hunt	. 72 . 86	Somervell87 Starr83	Walker96 Waller97		
Pontotoc77	Washita77	Brazoria	. 97	Hutchinson	.79	Stephens84	Ward 76		
Pottawatomie77 Pushmataha77	Woods	Brazos Brewster	. 95 . 73	Irion Jack	.76 .84	Sterling76 Stonewall81	Washington96 Wharton		
Roger Mills76	WOOdward10	Briscoe	.81	Jackson	.94	Sutton75	Wharton96 Wheeler81		
OREG	ON	Brown	. 86	Jasper	.94	Swisher81	Wichita82		
Baker \$0.80	Lake \$0.81	Burleson Burnet	.95 .90,	Jeff Davis Jefferson	.72 .95	Tarrant88 Taylor82	Wilbarger81 Willacy84		
Benton87	Lane 85	Callahan	. 83	Jim Wells	.90	Terrell75	Williamson92		
Clackamas90	Lincoln82	Cameron	. 84	Johnson	. 88	Terry 81	Wilson91		
Clatsop86 Columbia88	Linn87 Malheur74	Camp	. 87 . 81	Jones Karnes	.81 .91	Throckmorton .83	Winkler 79 Wise 85		
Coos79	Marion90	Cass	.86	Kaufman	.88	Tom Green81	Wood88		
Crook88	Morrow89	Castro	. 81	Kendall	. 88	Travis92	Yoakum81		
Curry	Multnomah	Chambers Cherokee	. 94 . 92	Kenedy Kent	. 87 . 81	Trinity95	Young 84		
Douglas81	Sherman90	Childress	. 81	Kerr	. 87	Ü	HAT		
Gilliam	Tillamook91	Clay	. 83	Kimble	. 85	All counties	\$0. 69		
Grant	Umatilia86 Union81	Cochran	. 81 . 81	King Kinney	. 81 . 84	VER	MONT		
Hood River91	Wallowa80	Coleman	. 84	Knox	.81	All counties	\$0. 88		
Jackson75	Wasco92	Collin	. 87	Lamar	. 84		GINIA		
Jefferson90 Josephine75	Washington92 Wheeler88	Collings- worth	. 81	Lamb Lampasas	. 81 . 89	All counties	,		
Klamath82	Yamhill90	Comal	.91	Leon	. 93		\$0, 88		
PENNSY	LVANIA	Comanche	. 86	Liberty	. 97	WASH	INGTON		
All counties	\$0.88	Concho	. 84 . 85	Limestone	.93 .78	Rate per	Rate per		
RHODE :		Coryell	.90	Live Oak	.90	County bushel Adams \$0.84	County bushel Lewis \$0.86		
All counties		Cottle	.81	Llano	. 89	Asotin80	Lincoln 82		
SOUTH C		Crane Crockett	. 76 . 75	Loving Lubbock	.73 .81	Benton89	Mason		
South I		Crosby	. 81	Lynn	.81	Chelan86 Clallam79	Okanogan84 Pacific85		
Rate per	Rate per	Dallam	. 78	McCulloch	. 85	Clark92	Pend Oreille72		
County bushel	County bushel	Dallas Dawson	.88 .81	McLennan Madison	.91` .95	Columbia84 Cowlitz90	Pierce 91		
Aurora \$0.77	Jackson \$0.69	Deaf Smith	. 81	Marion	.87	Cowlitz90 Douglas84	San Juan88 Skagit88		
Beadle77	Jerauld77 Jones72	Delta	. 85	Martin	. 80	Ferry	Skamania91		
Bennett73 Bon Homme80	Jones	De Witt	. 86 . 93	Mason Maverick	.86	Franklin86	Snohomish90		
Brookings79	Lake79	Dickens	. 81	Medina	.88	Garfield83 Grant85	Spokane80 Stevens75		
Brown77 Brule76	Lawrence67 Lincoln81	Donley	. 81	Menard	. 84	Grays Harbor85	Thurston :87		
Brule76 Buffalo76	Lincoln81 Lyman74	Eastland Ector	. 85 . 79	Midland Milam	.80 .93	Island 90 Jefferson 81	Wahkiakum90 Walla Walla85		
Butte 66	McCook79	Edwards	.81	Mills	. 90	King	Whatcom87		
Campbell73	McPherson75	Ellis	. 90	Mitchell	. 81	Kitsap83	Whitman81		
Charles Mix78 Clark78	Marshall	El Paso Erath	.71 .86	Montague Montgomery _	. 84 . 97	Kittitas91 Klickitat90	Yakima 87		
Clay82	Mellette75	Falls	.92	Moore	. 79				
Codington79	Miner78	Fannin	. 85	Morris	. 87	Ī.	Virginia		
Corson70 Custer69	Minnehaha80 Moody79	Fayette	. 95 . 81	Motley Nacogdoches _	. 81 . 92	All counties	\$0.85		
Davison 79	Pennington66	Floyd	. 81	Navarro	.90	Wisc	ONSIN		
Day	Perkins68	Foard	. 81	Newton	.94	Rate per	Rate per		
Deuel79 Dewey70	Potter73 Roberts78	Fort Bend	. 97 . 87	Nolan Ochiltree	. 81 . 78	County bushel Adams \$0.80	County bushel Iron \$0.80		
Douglas79	Sanborn77	Freestone	.92	Oldham	.81	Ashland81	Jackson81		
Edmunds75	Shannon72 Spink77	Gaines	. 81	Orange	.94	Barron82	Jefferson84		
Fall River68 Faulk75	Spink77 Stanley73	Garza	. 81 . 87	Palo Pinto Panola	. 85 . 90	Bayfield 82 Brown 81	Juneau		
Grant79	Sully	Goliad	.93	Parker	.87	Buffalo82	Kewaunee79		
Gregory78	Todd	Gonzales	. 93	Parmer	. 81	Burnett 85	LaCrosse 80		
Haakon69 Hamlin79	Tripp77 Turner80	Grayson	. 81 . 85	Pecos	.72 .95	Calumet82 Chippewa81	Lafayette81 Langlade73		
Hand76	Union82	Gregg	.88	Potter	.81	Clark	Lincoln77		
Hanson79	Walworth73 Washabaugh69	Grimes	. 96	Presidio	. 71	Columbia82	Manitowoc82		
Harding68 Hughes74	Yankton81	Guadalupe Hale	.91 .81	Rains Randall	. 88 . 81	Crawford79 Dane83	Marathon79 Marinette78		
Hutchinson79	Ziebach68	Hall	.81	Reagan	.75	Dodge 83	Marquette81		
Hyde74		Hamilton	. 87	Red River	. 83	Door	Milwaukee88		
TENN:		Hansford	. 78 . 81	Reeves	.73 .79	Douglas 65 Dunn 83	Monroe80 Oconto79		
ShelbyAll other counties		Hardeman	. 95	Robertson	. 93	Eau Claire83	Oneida		
TEX		Harris	. 97	Rockwall	.86	Florence77	Outagamie81		
	Rate per	Harrison	. 88 . 78	Runnels Rusk	.83	Fond du Lac82 Forest77	Ozaukee83 Pepin83		
Rate per County bushel	County bushel	Haskell	. 81	Sabine	.91	Grant	Pierce84		
Anderson \$0.92	Atascosa \$0.88	Hays	. 92	San Augus-		Green83	Polk		
Archer81	Austin97 Bailey81	Hemphill	. 79 . 90	tine San Jacinto	.91 .97	Green Lake81 Iowa	Portage80 Price80		
Armstrong81	Bailey81	,		J V					

Wisconsin-Continued

. Ro	ite per	Rate pe		
County b	ushel	County by	ishel	
Racine	\$0.88	Vernon	\$0.79	
Richland	. 81	Vilas	. 75	
Rock	. 84	Walworth	. 85	
Rusk	. 81	Washburn	. 83	
St. Croix	. 84	Washington _	. 83	
Sauk	. 81	Waukesha	. 84	
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Sheboygan	. 83	Winnebago	. 81	
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WYOMING

	W X O	MING	
Albany	\$0.64	Natrona	\$0.58
Big Horn	. 56	Niobrara	. 66
Campbell	. 63	Park	. 56
Carbon	. 60	Platte	. 69
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Hot Springs	. 56	Uinta	. 54
Johnson	. 61	Washakie	. 56
Laramie	. 69	Weston	. 65
Lincoln	. 54	•	

(c) Discounts. The discount for barley which grades No. 3 shall be 3 cents per bushel, and for No. 4, 6 cents per bushel. The support rates for barley of the Class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the Classes Barley and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky."

(Sec. 4, 62 Stat. 1070, as-amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 16th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-4579; Filed, May 19, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RE-LATING TO IMPORTS AND EX-

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by \$354.1 of the regulations concerning overtime services relating to imports and exports, effective June 29, 1958 (7 CFR 354.1), administrative instructions (7 CFR 354.2) as republished December 29, 1959 (24 F.R. 10834), as amended effective January 16, 1960, March 19, 1960 and April 29, 1960 (25 F.R. 375, 2353, 3749), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby further amended by adding "Superior, Wis. (served from Duluth, Minn.)" to the "Two-Hour" list therein.

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective May 20, 1960.

Done at Washington, D.C., this 17th day of May 1960.

[SEAL]

E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 60-4577; Filed, May 19, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-69]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Point

On March 5, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 1960) stating that the Federal Aviation Agency proposed to revoke the segment of Blue Federal airway No. 3 and its associated control areas between Grand Rapids, Mich., and Sault Ste. Marie, Mich., and to revoke the Traverse City, Mich., radio range station as a reporting point.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530)

and for the reasons stated in the Notice, the following actions are taken:

§ 600.603 [Amendment]

1. In § 600.603 (24 F.R. 10500; 25 F.R. 2159), the following changes are made:

(a) In the caption "(Miami, Fla., to Tampa, Fla.; Kokomo, Ind., to Sault Ste. Marie, Mich.)" is deleted and "(Miami, Fla., to Tampa, Fla.; Kokomo, Ind., to Grand Rapids, Mich.)" is substituted therefor.

(b) In the text "Grand Rapids, Mich., RR; Traverse City, Mich., RR; to the Sault Ste. Marie, Mich., RR." is deleted and "to the Grand Rapids, Mich., RR." is substituted therefor.

§ 601.603 [Amendment]

- 2. In the caption of § 601.603 (24 F.R. 10545; 25 F.R. 2159), "(Miami, Fla., to Tampa, Fla.; Kokomo, Ind., to Sault Ste. Marie, Mich.)" is deleted and "(Miami, Fla., to Tampa, Fla.; Kokomo, Ind., to Grand Rapids, Mich.)" is substituted therefor.
- 3. Section 601.4603 (24 F.R. 10596; 25 F.R. 2159) is amended to read:
- § 601.4603 Blue Federal airway No. 3 (Miami, Fla., to Tampa, Fla.; Kokomo, Ind., to Grand Rapids, Mich.).

Ft. Meyers, Fla., RBN; Tampa, Fla., RR; Kokomo, Ind., RBN,

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 13, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4544; Filed, May 19, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-23]

PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVI-GATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Extension of Coded Jet Route

On March 8, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 1993) stating that the Federal Aviation Agency proposed extending VOR/VORTAC jet route No. 56 from Kremmling, Colo., eastward to Denver, Colo.

No adverse comments were received regarding the proposed amendment. The Department of the Air Force, in advising that they did not object to the airspace action proposed, did state that they would object if radar surveillance were not available for the proposed extension. Radar coverage does exist for this route segment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to

me by the Administrator and for the reasons stated in the Notice, § 602.556 (14 CFR, 1958 Supp., 602.556) is amended to read:

§ 602.556 VOR/VORTAC jet route No. 56 (Salt Lake City, Utah, to Denver, Colo.).

From the Salt Lake City, Utah, VORTAC via the Kremmling, Colo., VOR to the Denver, Colo., VOR.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 13, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4545; Filed, May 19, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-34]

DISTRESS SIGNAL FOR SMALL VESSELS

Pursuant to the notice of proposed rule making published in the Federal Register on February 18, 1960 (25 F.R. 1440-1448), and Merchant Marine Council Public. Hearing Agenda dated April 4, 1960 (CG-249), the Merchant Marine Council held a Public Hearing on April 4, 1960 for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I through XII, inclusive, and Item IV contained miscellaneous proposals regarding Rules of the Road.

This document contains only the actions taken with respect to a daytime distress signal intended for small vessels in Item IV, which is accepted as proposed. The other proposals in Item IV will be in a separate document. This document is the fifth of a series covering the regulations and actions considered at the April 4, 1960 Public Hearing and annual session of the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167-33 dated September 23, 1958 (23 F.R. 7592), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall be in effect on and after the date of publication of the document in the Federal Register:

SUBCHAPTER D-NAVIGATION REQUIREMENTS FOR CERTAIN INLAND VESSELS

PART 80-PILOT RULES FOR INLAND WATERS

Part 80 is amended by adding a new section at the end thereof reading as follows:

§ 80.37 Distress signals.

(a) Daytime. (1) Slowly and repeatedly raising and lowering arms outstretched to each side.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157)

SUBCHAPTER E-NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 90—PILOT RULES FOR THE GREAT LAKES

Section 90.15(a)(1) is amended by adding a new subdivision (iv) reading as follows:

- § 90.15 Distress signals; posting of rules; diagrams; starting, stopping, and backing signals.
 - (a) Distress signals. * * *
 - (1) * * *
- (iv) Slowly and repeatedly raising and lowering arms outstretched to each side.

(Sec. 3, 28 Stat. 649, as amended; 33 U.S.C. 243)

SUBCHAPTER F-NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Section 95.39(a) is amended by adding a new subparagraph (6) reading as follows:

§ 95.39 Distress signals.

- (a) In the daytime. * * *
- (6) Slowly and repeatedly raising and lowering arms outstretched to each side. (R.S. 4233A, as amended; 33 U.S.C. 353)

Dated: May 16, 1960.

[SEAL] J. A. HIRSHFIELD, Rear Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60-4560; Filed, May 19, 1960; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A-TEST FEE SCHEDULES

PART 204—ATOMIC AND RADIATION PHYSICS

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Miscellaneous Amendments

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from May 1, 1960.

1. Section 204.201—Radiometry is amended by the addition of item (h) to read as follows:

Item	Description	Fee
204.201h.	Standard of spectral radiation— Lamp seasoned and calibrated for spectral radiance, from 0.25 to 0.75 micron or from 0.5 to 2.6 microns.	1

2. In § 230.11 Descriptive list, paragraph (m) Spectrographic standards, is amended to revise the high-temperature alloys series to read as follows:

(9) High-temperature alloys.

Sample No. 1	Name ²	Price per sample
1184	19-90L (AISI 316	\$18.00
1185	16-25-6 (Cr-Ni-Mo)	} 18.00 18.00
1187	(Multimet AMS 5376A Inconel "X" 550	} 18.00
1189 1191	Nimonic 80A	18.00 18.00
1192	Waspaloy Modified	18.00

- ¹ Size: Disks 1¼ in. in diameter and ¾ in. thick.
 ² Nominal composition standards.
- 3. In § 230.11, paragraph (v) Lightsensitive paper and booklets of faded strips of light-sensitive paper for use in testing textiles for colorfastness to light by exposure in carbon-arc fading lamp, is amended by the revision of sample No. 1016 to read as follows:

Sample No.	Description	Unit of issue	Price per sample
1016	Booklet of standard faded strips of light-sensitive paper.	Booklet.	\$40.00

4. In § 230.11, a new paragraph (dd) Flammability standards, is added to read as follows:

(dd) Flammability standards.

Sample No.	Description	Speci- mens per sample	Price
1002	Flammability standard for checking the operation and adjustment of surface flammability test equip- ment of the radiant panel type. ¹	4	\$ S. 00

¹ Tests of representative samples have been made by the method described in Interim Federal Standard, No. 00136. The resulting experimental data are furnished in a certificate accompanying the sample.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

[SEAL]

A. V. ASTIN, Director.

[F.R. Doc. 60-4567; Filed, May 19, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C-DRUGS

PART 141a—PENICILLIN AND PENI-CILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DI-HYDROSTREPTOMYCIN) A N D STREPTOMYCIN- (OR DIHYDRO-STREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c — CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLOR-TETRACYCLINE- (OR TETRACY-CLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d — CHLORAMPHENICOL A N D CHLORAMPHENICOL-CON-TAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141b, 141c, 141d, 141e) are amended as follows:

1. Section 141a.1 (d) and (h) are changed to read as follows:

§ 141a.1 Sodium penicillin, calcium penicillin, potassium penicillin; potency.

(d) Preparation of sample. Dissolve the sample to be tested in 1.0 percent phosphate buffer, pH 6.0, to make an appropriate stock solution.

.

(h) Assay by alternative methods. The potency of the sample may also be determined by the iodometric method as described in § 141a.5(d), or by the standard-curve technique, using a single dose of standard and unknown. In the case of the standard-curve technique, dilute the sample to be tested to 1.0 unit per milliliter (estimated) in 1 percent phosphate buffer, pH 6.0. Place six cylinders on the inoculated agar surface so that they are at approximatly 60° intervals on a 2.8-centimeter radius. Use three plates for each sample and fill three cylinders on each plate with the 1.0 unit per milliliter standard and three cylinders with the 1.0 unit per milliliter (estimated) sample, alternating standard and sample. Incubate the plates

for 16 to 18 hours at 32° C.-35° C. and measure the diameter of each circle of inhibition. Average the zone reading of the standard, and average the zone readings of the sample on the plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0 unit per milliliter zone size of the standard curve. If the average sample zone size is smaller than the standard value, subtract the difference between them from the 1.0 unit per milliliter zone size of the standard curve. From the curve read the concentration corresponding to these corrected values of zone sizes. Prepare concentrations for the standard curve by diluting aliquots of the standard stock solution with 1 percent phosphate buffer, pH 6.0, to give final concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 units per milliliter. Use three plates for each concentration except the 1.0 unit per milliliter concentration. Thus there will be a total of 12 plates. The 1.0 unit concentration is the reference point and is included on each plate. On each of three plates fill three cylinders with the 1.0 unit per milliliter standard and other three cylinders with the concentration of the standard under test. Thus there will be thirty-six 1.0 unit per milliliter determinations and nine determinations for each of the other concentrations on the curve. Incubate the plates for 16 to 18 hours at 32° C.-35° C. and measure the diameter of each circle of inhibition. Average the readings of 1.0 unit per milliliter concentration and the readings of the concentration tested on each set of three plates, and average also all 36 readings of the 1.0 unit per milliliter concentration. The average of the 36 readings of the 1.0 unit per milliliter concentration is the correction point for the curve. Correct the average value obtained for each concentration to the figure it would be if the 1.0 unit per milliliter reading for that set of three plates were the same as the correction point. Thus, if in cor-

recting the 0.8 unit per milliliter concentration, the average of the 36 readings of the 1.0 unit per milliliter concentration is 18 millimeters and the average of the 1.0 unit per milliliter concentration on this set of thre plates if 17.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 0.8 unit per milliliter concentration of these same three plates is 17.0 millimeters, the corrected value is then 17.2 millimeters. Plot these corrected values including the average of the thirty-six 1.0 unit per milliliter concentrations on two-cycle semilog paper, using the concentrations in units per milliliter as the ordinate (logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L = \frac{3a + 2b + c - e,}{5}$$

$$H = \frac{3e + 2d + c - a,}{5}$$

where:

L= calculated zone diameter for the lowest concentration of the standard curve, H= calculated zone diameter for the highest concentration of the standard curve,

c=average zone diameter of 36 readings of the 1.0 unit per milliliter standard, a, b, d, e=corrected average values for the 0.64, 0.80, 1.25, and 1.56 units per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

§ 141a.5 [Amendment]

- 2. Section 141a.5 Sodium penicillin * * * is amended in the following respects:
- a. In paragraph (d) Heat stability, subparagraph (1) is amended by changing the seventh sentence to read: "After 15 minutes, titrate the excess iodine, using $0.01 N \text{ Na}_2\text{S}_2\text{O}_3$." and by changing the formula at the end of the subparagraph to read as follows:

Difference in titers × Potency of FDA penicilin G working standard in units per milligram

Units of penicillin G per milligram = $\frac{\text{working standard in units per milligram}}{\text{Sample weight (milligrams)} \times F \text{ in 2.0 milliliters}}$

Percent loss of potency = (Original assay - assay after 4 days at 100° C.) × 100
Original assay

b. Paragraph (d) (2) is amended by changing the formula at the end thereof to read as follows:

 $\textbf{Units of penicillin O per milligram} = \frac{ \begin{array}{c} \textbf{Difference in titers} \times \textbf{Potency of FDA penicillin} \\ \textbf{working standard in units per milligram} \\ \hline \textbf{Sample weight (milligrams) in 2 milliliters} \times F \\ \end{array}$

3. Section 141a.9 is amended to read as follows:

§ 141a.9 Penicillin tablets.

(a) Potency—(1) Tablets that do not contain procaine penicillin G, benzathine penicillin G, penicillin V, or potassium penicillin V. Proceed as directed in § 141a.1, except § 141a.1 (i), and in lieu of the directions in § 141a.1(d) prepare the sample by one of the following methods:

(i) Grinding. Grind a representative number of tablets (usually 5 to 12), using a mortar and pestle. Transfer all the powder or a weighed aliquot of the powder to an appropriate volumetric flask

and make to mark by adding sufficient phosphate buffer, and shake thoroughly. Make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.

(ii) Blending. Place a representative number of tablets (usually 5 to 12) in a blending jar and add thereto approximately 200 milliliters of a 500-milliliter quantity of 1 percent phosphate buffer, pH 6.0. After blending for 1 minute with a high-speed blender, add the remainder of the 500 milliliters of buffer. Blend again for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.

(iii) Dissolving. If the tablets dissolve readily, dissolve a representative

number of tablets (usually 5 to 12) in 1 percent phosphate buffer, pH 6.0, and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.

(2) Tablets that contain benzathine penicillin G. Proceed as directed in § 141a.1, except § 141a.1(i), and in lieu of the direction in § 141a.1(d) prepare the sample as follows: Grind 6 tablets, using a mortar and pestle, and add sufficient formamide or dimethylformamide (previously adjusted, if necessary, to pH 6 to 7 with a few drops of concentrated H2SO4 per liter) to give a concentration of not more than 15,000 units per milliliter. Allow to stand for ½ hour, with frequent agitation, then make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also be prepared by one of the following methods: Place 6 tablets in a blending jar containing 100 milliliters of a 500-milliliter quantity of redistilled methyl alcohol. After blending for 1 minute with a high-speed blender, add the remainder of the 500-milliliter quantity of redistilled methyl alcohol. Blend again and make the proper estimated dilutions, using 1.0 percent phosphate buffer, pH 6.0, or grind a representative number of tablets (usually 5 to 12), using a mortar and pestle. Add sufficient redistilled methyl alcohol to the powder, or a weighed aliquot of the powder, to give a concentration of 2,000 units to 5,000 units per milliliter. Allow to stand for ½ hour, with frequent agitation, then dilute with sufficient 1.0 percent phosphate buffer, pH 6.0, to give a stock solution of not less than 200 units per milliliter. Make the proper estimated dilutions, using 1.0 percent phosphate buffer, pH 6.0, to give a concentration of 1.0 unit per milliliter. If the iodometric assay method is used, proceed as directed in § 141a.84(a)(1).

- (3) Tablets that contain procaine penicillin G. Proceed as directed in § 141a.1, except § 141a.1(i), and in lieu of the directions in § 141a.1(d), prepare the sample as follows: Grind a representative number of tablets (usually 5 to 12) using a mortar and pestle. To the powder, or a weighed aliquot of the powder, add sufficient redistilled methanol to give a concentration of 10,000 to 100,000 units per milliliter. Agitate thoroughly and dilute further with sufficient 1 percent phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated) if the iodometric assay method is used, or a concentration of 1.0 unit per milliliter (estimated) if the bioassay method is used.
- (4) Tablets that contain penicillin V. Using the penicillin V working standard as the standard of comparison, proceed as directed in subparagraph (3) of this paragraph.
- (5) Tablets that contain potassium penicillin V. Using the penicillin V working standard as the standard of comparison, proceed as directed in subparagraph (1) of this paragraph.

The average potency of penicillin tablets is satisfactory if they contain not less than 85 percent of the number of units per tablet that they are represented to contain.

- (b) Moisture. Use 4 tablets and proceed as directed in § 141a.5(a), except that if they contain benzathine penicillin G or penicillin V proceed as directed in § 141a.26(e).
- 4. Section 141a.10(a) is amended to read as follows:

§ 141a.10 Potassium penicillin V (potassium penicillin V salt).

(a) Potency. Using the penicillin V working standard as the standard of comparison, proceed as directed in § 141a.1.

§ 141a.17 [Amendment]

5. In § 141a.17 Penicillin sulfonamide powder, paragraph (a) is amended by changing the words "distilled water" to read "1.0 percent phosphate buffer, pH 60"

§ 141a.21 [Amendment]

- 6. Section 141a.21 Capsules penicillin and novobiocin is amended as follows:
- a. Paragraph (a) (1) (i) (b) is amended by changing the parenthetical expression "PCI 209 R.N" to read "ATCC 12692."
- b. Paragraph (c) (1) (iii) is amended by inserting the phrase "dried as described in § 141a.5(a)" after "(obtained from the Food and Drug Administration)."
- 7. Section 141a.27(a) is amended to read as follows:

§ 141a.27 Procaine penicillin in oil.

- (a) Potency. Proceed as directed in § 141a.1, except § 141a.1(i) and in lieu of the directions in § 141a.1(d), prepare the sample by one of the following methods:
- (1) Bioassay—(i) Chloroform-alcohol solution. By means of a 2-milliliter hypodermic syringe, introduce 1 milliliter of the well shaken sample into a 50-milliliter volumetric flask. Add 3 milliliters to 4 milliliters of chloroform, shake the flask thoroughly, and make to 50 milliliters with absolute alcohol. Mix thoroughly, withdraw a 1-milliliter aliquot and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.
- (ii) Blending. Introduce 1 milliliter of the well shaken sample by means of a 2.0-milliliter hypodermic syringe into a blending jar containing 90 milliliters of 1 percent phosphate buffer, pH 6.0, and 1 milliliter of polysorbate 80. Using a high-speed blender, blend the mixture for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.
- (2) Iodometric chemical assay—(i) Chloroform-alcohol solution. Introduce a representative quantity (usually 1 milliliter) of the well shaken sample into a flask and dissolve in sufficient chloroform-absolute ethanol (1+1) solvent to give a concentration of 2,000 units to 8,000 units per milliliter. An aliquot of this solution containing 2,000 units (estimated) is used as the solution for assay.
- (ii) Extraction. Accurately measure two representative portions of the sample

(usually 1 milliliter) each equivalent to from 100,000 units to 300,000 units (estimated). Place one portion in a centrifuge tube containing 10 milliliters of chloroform and 10.0 milliliters of 1 percent phosphate buffer, pH 6.0. Shake the tube for 1 minute and centrifuge to obtain a substantially clear buffer layer. Dilute 5.0 milliliters of the buffer layer with sufficient 1 percent phosphate buffer, pH 6.0, to give a concentration of about 2,000 units per milliliter, and mix. Use 2.0 milliliters of this solution as the blank. Place the second portion of the sample in a centrifuge tube containing 10 milliliters of chloroform and 10.0 milliliters of 1 N NaOH. Shake the tube for 1 minute and allow to stand for 15 minutes. Shake the tube again and centrifuge to obtain a substantially clear NaOH layer. Dilute 5.0 milliliters of the NaOH layer with sufficient 1 N NaOH to give a concentration of about 2,000 units per milliliter. Use 2.0 milliliters of this solution as the inactivated solution. From the titration data calculate the amount of penicillin in the sample. If the label represents the potency of the procain penicillin in oil as 100,000 units per milliliter, it is satisfactory if it is 85 percent or more of the potency so represented; if represented as 300,000 units per milliliter, it is satisfactory if it is 90 percent or more of the potency so represented.

§ 141a.29 [Amendment]

- 8. In § 141a.29 Procaine penicillin for aqueous injection * * * paragraph (a) is amended by adding the following new sentence thereto: "Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain."
- 9. Section 141a.33 is amended to read as follows:

§ 141a.33 Buffered penicillin powder.

- (a) Potency. Proceed as directed in § 141a.1, using as the sample for assay a representative aliquot of the product reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.
- (b) Moisture. Proceed as directed in § 141a.26(e).
- 10. Section 141a.34 (a) and (b) are amended to read as follows:

§ 141a.34 Procaine penicillin and crystalline penicillin in oil.

- (a) Total potency. Proceed as directed in § 141a.27(a).
- (b) Crystalline penicillin. Proceed as directed in § 141a.32(b), except prepare the sample as follows: Introduce a representative quantity of the well shaken sample (usually 1 milliliter) into a 30-milliliter centrifuge tube equipped with a screw cap. Add 10.0 milliliters of chloroform and 10.0 milliliters of a 20 percent sodium sulfate solution, shake well for about 1 minute, and centrifuge to obtain a clear upper layer.
- 11. Section 141a.35(a) (1), (2), and (3) are amended to read as follows:

§ 141a.35 Penicillin-streptomycin ointment; penicillin-dihydrostreptomycin ointment.

(a) Potency. * * *

(1) Total penicillin content. Proceed as directed in § 141a.8(a) or § 141a.5(d)(1), except that if the iodometric chemical assay described in § 141a.5(d)(1) is used prepare the sample as follows: Accurately measure two representative portions of the sample, each equivalent to about 20,000 units. Place one portion in a centrifuge tube containing 10.0 milliliters of 1 percent phosphate buffer, pH 6.0, and 10.0 milliliters of chloroform for each 5 milliliters or grams of sample. Shake the tube containing 10.0 milliliters of 1 pertain a substantially clear buffer layer. Use 2.0 milliliters of this solution as the blank. Add one drop of 1.2 N HCl to the blank immediately before the addition of the 10.0 milliliters of 0.01 N Is. Immediately titrate with 0.01 N Na2S2Os. Place the second portion of the sample in a centrifuge tube containing 10.0 milliliters of 1 N NaHCO, (previously adjusted to a pH of 9.3 ± 0.2 with 1.0 N NaOH) and 10.0 milliliters of chloroform for each 5 milliliters or grams of sample. Shake the tube for 1 minute and centrifuge to obtain a substantially clear aqueous layer. To 2.0 milliliters of the aqueous layer, add 2.0 milliliters of 1 N NaOH and allow to stand for 15 minutes. Add sufficient 1.2 N HCl to obtain a pH of 1.0, then add 10.0 milliliters of 0.01 N I2. Allow to stand for 15 minutes and then titrate with 0.01 N Na₂S₂O₃. From the titration data calculate the amount of penicillin in the sample. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) Crystalline sodium penicillin or potassium penicillin content—(i) Direct method—(a) Preparation of the solution for assay. Accurately measure a representative portion of the sample equivalent to about 20,000 units of crystalline sodium penicillin or potassium penicillin and place it in a centrifuge tube containing 10.0 milliliters of 20 percent sodium sulfate solution and 10.0 milliliters of chloroform for each 5 milliliters or grams of sample. Shake the tube for 1 minute and then centrifuge to obtain a substantially clear aqueous layer. This is used as the solution for assay.

(b) Iodometric assay for total penicillin in the solution for assay. Determine the quantity of penicillin in the solution for assay by the iodometric assay procedure described in § 141a.5(d) (1).

(c) Colorimetric determination of procaine penicillin in the solution for assay. (1) If the sample does not contain sulfonamides, determine the procaine penicillin in the solution for assay by the colorimetric procedure described in § 141a.32(b) (3).

(2) If the sample contains sulfonamides, proceed as follows: Place 10.0 milliliters of the solution for assay in a separatory funnel containing 2 milliliters of 1 N NaOH and 10.0 milliliters of chloroform and shake for 1 minute. Allow the layers to separate and collect the lower chloroform layer in a cylinder containing 10.0 milliliters of 4 N HCL.

Shake for 1 minute and allow the layers to separate. Using the upper acid layer as the solution for assay, determine the procaine penicillin content by the colorimetric procedure described in § 141a.32 (b) (3).

(d) The content of crystalline sodium or potassium penicillin in the sample is calculated as follows:

A = (B - C)F

where:

A=crystalline sodium penicillin or potassium penicillin content of the sample.

 B = total number of units of penicillin per milliliter as determined in subdivision (i) (b) of this subparagraph.

C=number of units of procaine penicillin per milliliter as determined in subdivision (i) (c) of this subparagraph.

F=appropriate dilution factor depending on the dilution made in the preparation of the solution for assay and the size of the representative portion of the sample tested.

(ii) Indirect method. The content of crystalline sodium or potassium penicillin is the difference between the total penicillin content determined in subparagraph (1) of this paragraph and the procaine penicillin determined in subparagraph (3) (i) of this paragraph. Its content of crystalline sodium penicillin or potassium penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) Procaine penicillin content—(1) Direct method. Using the stock solution prepared for bloassay in subparagraph (1) of this paragraph, determine the procaine penicillin content colorimetrically as directed in subparagraph (2) (i) (c) (2) of this paragraph,

(ii) Indirect method. The procaine penicillin content of the sample is the difference between the total penicillin content determined in subparagraph (1) of this paragraph and the crystalline sodium penicillin or potassium penicillin content determined in subparagraph (2) of this paragraph. Its content of procaine penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

§ 141a.38 [Amendment]

12. In § 141a.38 Procaine penicillin and streptomycin in oil * * *, paragraph (a) is amended as follows:

a. The first sentence of subparagraph (1) is changed to read: "Proceed as directed in § 141a.35(a)."

b. The first sentence of subparagraph (2) is changed to read: "Proceed as directed in § 141a.35(a) (4)."

c. The first sentence of subparagraph (3) is changed to read: "Proceed as directed in § 141a.35(a) (5)."

§ 141a.39 [Amendment]

13. Section 141a.39 Penicillin-streptomycin * * * is amended as follows:

a. Paragraph (a) (4) is changed to read:

(a) Potency. * * *

(4) l-Ephenamine penicillin G content. Proceed as directed in § 141a.43 (a), except that in the iodometric assay one drop of 1.2 N HCl is added to the

blank immediately before the addition of the 0.01 N I₂. The *l*-ephenamine penicillin G content is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

- b. Paragraph (e) is changed to read as follows:
- (e) Moisture. Proceed as directed in \$141a.5(a), except that if procaine penicillin is used proceed as directed in \$141a.26(e).
- 14. Section 141a.43(a) is amended to read as follows:

§ 141a.43 *l*-Ephenamine penicillin G.

(a) Potency. Proceed as directed in § 141a.1, except in lieu of § 141a.1(d) dissolve the sample in sufficient redistilled methanol to give a concentration of 5,000 units to 10,000 units per milliliter and then dilute with sufficient 1 percent phosphate buffer, pH 6.0, to give an appropriate stock solution. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

§ 141a.45 [Amendment]

15. In § 141a.45 l-Ephenamine penicillin G for aqueous injection paragraph (f) (1) is changed to read as follows:

(f) pH—(1) Dry mixture of the drug. Proceed as directed in § 141a.5(b), using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 141a.47 [Amendment]

16. In § 141a.47 Benzathine penicillin G, paragraph (a) is amended by inserting the words "or redistilled methanol" immediately following the words "dimethyl formamide, formamide," in the first sentence, and by deleting the last sentence.

17. Section 141a.48(a) is amended to read as follows:

§ 141a.48 Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension.

(a) Potency. Proceed as directed in § 141a.47(a), using as the sample for assay a representative aliquot of the oral suspension; or if it is a dry mixture of the drug, a representative aliquot of the drug, reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

§ 141a.49 [Amendment]

18. In § 141a.49 Penicillin-streptomy-cin-bacitracin ointment * * *, paragraph (a) Potency is amended by deleting subparagraph (2) (iii) and by changing subparagraph (2) (ii) to read as follows:

(a) Potency. * * *

(2) * * *

(ii) Use as the test organism the streptomycin dihydrostreptomycin-resistant strain of either Micrococcus flavus (ATCC 10240A) or Sarcina subflava (ATCC 7468/d), grown and maintained in media containing 500 micrograms of streptomycin or dihydrostreptomycin per

milliliter of media, or calculate from the quantity of streptomycin or dihydrostreptomycin found, using the method prescribed by subparagraph (1) of this paragraph, the quantity that would be present when the sample is diluted to contain one unit of bacitracin (labeled potency) per milliliter. Prepare the bacitracin standard curve by adding the calculated quantity of streptomycin or dihydrostreptomycin to each concentration of bacitracin used for the curve. Use this standard curve to calculate the bacitracin content of the sample.

- 19. Section 141a.52 (a) and (f) are amended to read as follows:
- § 141a.52 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection.
- (a) Potency. Using a representative aliquot of the product reconstituted as directed in the labeling, proceed as directed in § 141a.51(a). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.
- (f) pH. Proceed as directed in § 141a.5(b), using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 141a.54 [Amendment]

- 20. In § 141a.54 Benzathine penicillin G for aqueous injection, paragraph (f) is changed to read as follows:
- (f) pH—(1) Dry mixture of the drug. Proceed as directed in § 141a.5(b), using the suspension resulting when the product is reconstituted as directed in the labeling
- (2) Aqueous suspension of the drug. Proceed as directed in § 141a.5(b), using the undiluted aqueous suspension.

§ 141a.55 [Amendment]

- 21. Section 141a.55 Benzathine pentcillin G and buffered crystalline penicillin for aqueous injection is amended as follows:
- a. Paragraph (a) is amended by changing the phrase "dimethyl formamide or formamide" in the first sentence to read "dimethyl formamide, formamide, or methyl alcohol."
 - b. Paragraph (i) is changed to read:
- (i) pH. Proceed as directed in § 141a.5(b), using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 141a.56 [Amendment]

- 22. In § 141a.56 Chloroprocaine penicillin O paragraph (a) is amended by changing the period at the end thereof to a comma and adding the following clause: ", except if the iodometric assay for potency is used, calculate as directed in § 141a.5(d) (2)."
- 23. Section 141a.57 is changed to read as follows:

§ 141a.57 Chloroprocaine penicillin O for aqueous injection.

For the determination of potency, sterility, moisture, pyrogens, toxicity, and pH, proceed as directed in § 141a.29, except if the iodometric assay for po-

milliliter of media, or calculate from the tency is used, calculate as directed in of neomycin per milliliter if the test orquantity of streptomycin or dihydro- \$141a.5(d)(2). ganism is Micrococcus albus. Proceed as

§ 141a.61 [Amendment]

- 24. Section 141a.61 Benzathine-procaine-buffered crystalline penicillins for aqueous injection is amended as follows:
- a. In paragraph (a) the introduction to subparagraph (1) is amended by inserting in the first sentence the words "or methyl alcohol" immediately after the phrase "dimethyl formamide, or formamide".
 - b. Paragraph (f) is changed to read:
- (f) pH. Proceed as directed in § 141a.5(b), using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 141a.65 [Amendment]

- 25. Section 141a.65 Penicillin-streptomycin-neomycin in oil • • • is amended as follows:
- a. Paragraph (a) (4) is changed to read:
 - (a) Potency. * * *
- (4) Neomycin content. (i) Proceed as directed in § 141e.414(b) (1) of this chapter, except prepare the sample as follows: Place 1.0 milliliter of the sample in a separatory funnel containing approximately 50 milliliters of peroxidefree ether and extract with four successive 20-milliliter portions of distilled water. Make the combined aqueous extractions to 100 milliliters with distilled water. Transfer a 10-milliliter aliquot of the aqueous extract to a 25-milliliter volumetric flask and add 1.0 milliliter of 5 percent Ba(OH),8H2O. Using a testtube clamp, suspend the open flask in a steam bath so that the mouth of the flask is slightly above the level of the steam bath. Heat with steam for 3 hours; remove, cool, add one drop of 1.0 percent phenolphthalein and neutralize dropwise with 1.0 N H2SO4. Make to volume with distilled water and pour a reasonable aliquot into an appropriate centrifuging tube. Centrifuge for 5 minutes at approximately 4,000 r.p.m. and decant. Pipette an appropriate volume for assay and accurately add sufficient 1.0 M potassium phosphate buffer, pH 8.0, to provide, after addition of distilled water, a solution having a molarity of 0.1 percent with respect to the potassium phosphate buffer and containing 10 micrograms of neomycin per milliliter if the test organism is Micrococcus pyogenes var. aureus, and 1.0 microgram of neomycin per milliliter if
- the test organism is Micrococcus albus. (ii) The neomycin content may also be determined as follows: Place 1.0 milliliter of the sample in a separatory funnel containing 50 milliliters of peroxide-free ether and extract with four successive 20-milliliter portions of 0.1 M potassium phosphate buffer at pH 7.8 to 8.0. Make the combined aqueous extractions to 100 milliliters with the 0.1 M potassium phosphate buffer. Pipette an appropriate volume for assay and accurately add sufficient 0.1 M potassium phosphate buffer to provide a solution containing 10 micrograms of neomycin per milliliter if the test organism is Micrococcus pyogenes var. aureus and 1.0 microgram

of neomycin per milliliter if the test organism is Micrococcus albus. Proceed as directed in § 141b.410(b) (1) of this chapter, except add sufficient penicillinase to completely inactivate the penicillin present.

§ 141a.66 [Amendment]

26. In § 141a.66 Capsules procaine penicillin in oil, paragraph (a) is amended by changing the words "distilled water" to read "1.0 percent phosphate buffer, pH 6.0" in the two instances where used.

§ 141a.69 [Amendment]

27. In § 141a.69 Crystalline penicillin G oral suspension * * *, paragraph (a) is amended by deleting from the second sentence the words "of a 10 percent aqueous solution."

§ 141a.73 [Amendment]

- 28. Section 141a.73 Dibenzylamine penicillin and potassium penicillin powder, buffered is amended by adding thereto a new paragraph (e), reading as follows:
- (e) pH. Proceed as directed in § 141a.5 (b), using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 141a.75 [Amendment]

- 29. Section 141a.75 Hydrabamine penicillin G is amended as follows:
- a. Paragraph (a) is amended by changing the words "add a 1.0 milliliter aliquot" in the third sentence to read "add dropwise a 1.0-milliliter aliquot."
- b. Paragraph (b) *Toxicity* is amended by changing the words "physiological salt solution" read "0.5 percent gum arabic solution."
- 30. In § 141a.77 paragraph (a) is amended by changing the first sentence to read as follows:

§ 141a.77 Capsules crystalline penicillin G (capsules crystalline penicillin G potassium, capsules crystalline penicillin G sodium).

(a) Potency. Use the contents of a representative number of capsules (usually 5 to 12) and proceed as directed in § 141a.1, except § 141a.1(i), and except if it contains a vegetable oil, prepare the sample as follows: Place the capsules in a blending jar containing 1.0 milliliter of a 10 percent aqueous solution of polysorbate 80 and sufficient 1 percent phosphate buffer, pH 6.0, to give a volume of 250 milliliters. * * *

§ 141a.78 [Amendment]

- 31. In § 141a.78 Benzathine penicillin G in oil, paragraph (a) is amended by inserting in the second sentence, after the phrase "dimethyl-formamide (previously adjusted to a pH of 6.5 ± 0.5 with concentrated H_2SO_4)" the phrase "or redistilled methanol".
- 32. Section 141a.81(a) is changed to read as follows:

§ 141a.81 Penicillin V (phenoxymethyl penicillin).

(a) Potency. Using the penicillin V working standard as the standard of comparison, proceed as directed in § 141a.1, except prepare the sample as follows: Dissolve a weighted quantity of

the sample (approximately 30 milligrams) in 2.0 milliliters of redistilled methanol. Further dilute this solution with sufficient 1 percent phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliters (estimated) if the iodometric assay method is used, or 1.0 unit per milliliter (estimated) if the bioassay method is used.

33. Section 141a.82 is changed to read as follows:

§ 141a.82 Penicillin V for oral suspension (phenoxymethyl penicillin V for oral suspension).

- (a) Potency. Using the penicillin V working standard as the standard of comparison, proceed as directed in § 141a.1, except prepare the sample as follows: Reconstitute the product as directed in the labeling, remove a suitable representative aliquot, and dilute with sufficient 1 percent phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated) if the iodometric assay method is used, or 1.0 unit per milliliter (estimated) if the bioassay method is used. Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.
- (b) Moisture. Proceed as directed in § 141a.26(e).
- 34. Section 141a.85(a) is changed to read as follows:

§ 141a.85 Capsules penicillin V.

(a) Potency. Using the pencillin V working standard as the standard of comparison, proceed as directed in § 141a.1, except prepare the sample as follows: Dissolve the contents of a representative number of capsules (usually 5 to 12) in sufficient redistilled methanol to give a concentration of not more than 50,000 units per milliliter, and further dilute with sufficient phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated) if the iodometric chemical assay is used, or 1.0 unit per milliliter (estimated) if the bioassay method is used. The average potency of capsules penicillin V is satisfactory if it is not less than 85 percent of the number of units per capsule that it is represented to contain.

§ 141a.86 [Amendment]

- 35. Section 141a.86 Procaine penicillin-streptomycin-polymyxin in oil * * * is amended as follows:
- a. Paragraph (a) (4) (i) (b) is amended by deleting the pharase "of a 10-percent aqueous solution" from the first sentence.
- b. Paragraph (a) (4) (ii) is amended by changing the numbers "6, 7, 8, 9, 10, 11, 12, 13, 14, and 15" in the first sentence to read "6.4, 8.0, 10.0 12.5, and 15.6".
- 36. Section 141a.87(a) is amended to read as follows:

§ 141a.87 Benzathine penicillin V oral suspension; benzathine penicillin V for oral suspension.

(a) Potency. Use as the sample for assay a representative aliquot of the oral suspension; or if it is a dry mixture of the drug, use a representative aliquot of the drug reconstituted as directed in the labeling and proceed as

directed in § 141a.47(a), except use the penicillin V working standard as the standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

§ 141a.89 [Amendment]

- 37. In § 141a.89 Procaine penicillinneomycin-polymyxin in oil * * *, paragraph (a)(3) is amended to read as follows:
- (3) Polymyxin content. Proceed as directed in § 141a.86(a)(4), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (2) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 10 units of polymyxin (labeled potency) per milliliter, and prepare the polymyxin standard curve by adding the calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use the standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per milliliter or gram that it is represented to contain.

§ 141a.90 [Amendment]

- 38. Section 141a.90 Crystalline penicillin-streptomycin-polymyxin-oxytetracycline-carbomycin powder veterinary

 * * * is amended as follows:
- a. In paragraph (c) (1), subdivision (ii) is amended by changing the numbers "0.08, 0.12, 0.16, 0.20, 0.24, 0.28, 0.32, 0.36, and 0.40" to read "0.148, 0.188, 0.240, 0.308, and 0.400".
- b. Paragraph (d) (1) (i) (g) is amended by changing the numbers "0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, and 1.5" in the fourth sentence to read "0.64, 0.80, 1.0, 1.25, and 1.56".
- c. Paragraph (d) (1) (i) (g) is further amended by changing the number "27" in the fifth sentence to read "12" and by changing the number "81" in the eighth, tenth, eleventh, and thirteenth sentences to read "36".

§ 141a.91 [Amendment]

39. In § 141a.91 Hydrabamine penicillin V * * *, paragraph (b) is amended by changing the words "physiological salt solution" to read "0.5 percent gum arabic solution".

§ 141a.94 [Amendment]

- 40. In § 141a.94 Procaine penicillinstreptomycin-neomycin-erythromycin in oil * * *, paragraph (a) (4) is amended to read as follows:
- (4) Neomycin content. Using an aliquot of the buffer solution prepared in subparagraph (1) of this paragraph, proceed as directed in § 141e.410(b) (1) of this chapter, except add sufficient penicillinase to completely inactivate the penicillin present. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

§ 141a.95 [Amendment]

41. In § 141a.95 Penicillin-strepto-mycin-erythromycin ointment * * •

paragraph (a) (4) is amended to read as follows:

(4) Erythromycin content. Proceed as directed in § 141b.126(a) (1) (ii) of this chapter, except prepare the sample as follows: Place a representative sample (usually approximately 1.0 gram, accurately weighed), in a glass blending jar containing 99 milliliters of 0.1 M potassium phosphate buffer, pH 8.0, and 1 milliliter of polysorbate 80. Using a high-speed blender, blend for 2 to 3 minutes. Add 100 milliliters of 0.1 M potassium phosphate buffer, pH 8.0, and blend for an additional 2 to 3 minutes. Prepare an intermediate dilution by diluting an aliquot of the filtrate with 0.1 M potassium phosphate buffer (pH 8.0), and add sufficient penicillinase to inactivate the penicillin. Then further dilute with buffer to give an erythromycin content of 1.0 microgram per milliliter (estimated). Its content of erythromycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

§ 141a.96 [Amendment]

- 42. In § 141a.96 Procaine penicillinstreptomycin-neomycin-polymyxin ointment * * *, paragraph (a) (5) is amended to read as follows:
- (5) Polymyxin content. Proceed as directed in § 141b.129(a) (3) of this chapter, except inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

§ 141a.98 [Amendment]

- 43. In § 141a.98 Penicillin-streptomycin-bacitracin methylene disalicylateneomycin ointment, • • paragraph (a) (5) is amended to read as follows:
- (5) Neomycin content. Proceed as directed in § 141a.65(a) (4) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

§ 141a.99 [Amendment]

- 44. In § 141a.99 Benzathine penicillin V for aqueous injection veterinary, paragraph (a) is amended to read as follows:
- (a) Potency. Using the penicillin V working standard as the standard of comparison, proceed as directed in § 141a.48(a). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

§ 141a.100 [Amendment]

- 45. In § 141a.100 Potassium penicillin 157 * * * , paragraph (b) (1) (ii) is amended to read as follows:
- (ii) Working standard. Dry the L- α -phenoxyethyl, penicillin potassium working standard as described in § 141a.5(a), and prepare a stock solution by dissolving a weighing of the dried standard in sufficient sterile distilled water to give a stock solution of 100 units per milliliter. This stock solution may be used for 1 week if stored in refrigerator.

§ 141a.102 [Amendment]

46. In § 141a.102 Potassium penticillin 152 * * * , paragraph (a) is amended by adding thereto the following new sentence: "Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain."

47. Section 141b.101 (c), (d), (e), and (j) are amended to read as follows:

§ 141b.101 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; potency.

(c) Working standard. Keep the working standard (obtained from the Food and Drug Administration) at -20° C. in tightly stoppered containers which in turn are kept in larger stoppered vials containing a suitable desiccant. Dry an appropriate amount of the working standard as described in § 141a.5(a) of this chapter. Dissolve the weight of the dry working standard obtained in distilled water. Keep this stock solution in a refrigerator. Do not use it later than 30 days after it is made.

(d) Standard curve. Prepare daily in 0.10 M potassium phosphate buffer, pH 8.0, from the stock solution described in paragraph (c) of this section, concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 micrograms per milliliter solution. A total of 12 plates is used in the preparation of the standard curve, three plates for each solution except the 1.0 microgram per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 1.0 microgram per milliliter standard and the other three cylinders with the concentration under test. Thus there will be thirty-six 1-microgram determinations and nine determinations for each of the other points on the curve. After the plates have incubated, read the diameters of the circles of inhibition. Average the readings of the 1.0 microgram per milliliter concentration and the readings of the point tested for each set of three plates and average also all 36 readings of the 1.0 microgram per milliliter concentration. The average of the 36 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8-unit concentration, the average of the 36 readings of the 1.0 microgram per milliliter concentration is 16.5 millimeters and the average of the 1.0 microgram per milliliter concentration of this set of three plates is 16.3 millimeters, the correction is 0.2 millimeter. If the average readings of the 0.8 microgram per milliliter concentration of these same three plates is 15.9 millimeters, the corrected value is then 16.1 millimeters. Plot these corrected values, including the average of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by the equations in § 141a.1(h) of this chapter. The five points selected to determine the curve are arbitrary (they should be equally spaced) and should be so chosen that the limits of the curve will fill the needs of the laboratory. However, the potency of the sample under test should fall in the interval of from 64 percent to 156 percent of the correction point of the standard curve.

(e) Preparation of sample. Dissolve the sample to be tested in sufficient 0.1 M potassium phosphate buffer, pH 8.0, to make a convenient stock solution. Further dilute in buffer to a final concentration of 1.0 microgram per milliliter (estimated). Use this last dilution in the assay for potency.

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(j) Turbidimetric assay. In lieu of the plate-assay method described in paragraph (h) of this section, the sample may be assayed for potency by the following method:

(1) Employ the agar described in paragraph (b) of this section (adjusted to a final pH of 7.0) for maintaining the test organism, which is Klebsiella pneumoniae (ATCC 10031), noncapsulated. Transfer stock cultures every week for test purposes. Transfer the organism to fresh agar slants and incubate overnight at 37° C. Suspend the growth from two or three of these slants in sterile distilled water and add approximately 5 milliliters of culture suspension to each of two Roux bottles containing the agar described in paragraph (b) of this section. Incubate the bottles overnight at 37° C., harvest the growth, using 50 milliliters of sterile distilled water per bottle, and pool the washings from the two bottles. Determine the dilution with water that will give a light transmission reading of 65 percent, using a filter of 6,500 Angstrom units in a photoelectric colorimeter. Keep the resulting suspension of organisms in the refrigerator and use for a period of not to exceed 1 week. Prepare a daily inoculum by adding 6.0 milliliters of the diluted suspension to each 100 milliliters of the nutrient broth prepared as directed in § 141a.1(b) (3) of this chapter, cooled to a temperature of approximately 15° C.

(2) Working standard solutions. Prepare the daily standard curve by diluting the stock solution described in paragraph (c) of this section in sterile distilled water to the following final concentrations: 23.9, 26.8, 30.0, 33.6 and 37.6 micrograms per milliliter. Add 1 milliliter of each final dilution to each of three tubes having an outside dimension of 16 millimeters x 125 millimeters. Add 9 milliliters of inoculated broth described in subparagraph (1) of this paragraph, o each tube and immediately place in a 37° C. water bath for 3 to 4 hours. After incubation, remove the tubes and add

0.5 milliliter of 12 percent formaldehyde to each tube.

(3) Preparation of sample. Dissolve the sample under test in sterile distilled water to prepare a convenient stock solution. Further dilute this stock solution in sterile distilled water to a final concentration of 30 micrograms per milliliter. Add 1 milliliter of this final concentration to each of three 16 millimeters x 125 millimeters tubes (outside dimensions). Add 9 milliliters of the inoculated broth described in subparagraph (1) of this paragraph to each tube and immediately place in a 37° C. water bath for 3 to 4 hours. (The sample tubes are placed in the water bath at the same time as the standard tubes.) After incubation, remove all tubes (sample and standard) and add 0.5 milliliter of 12 percent formaldehyde to each tube. Read the absorbance values of all tubes in a suitable photo-electric colorimeter. using a wavelength of 530 mµ. Set the instrument at zero absorbance, using clear, uninoculated broth prepared as described in § 141a.1(b) (3) of this chapter.

(4) Estimation of potency. Plot the average values for each concentration of the standard on 1-cycle semilogarithmic paper with absorbance on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points. either by inspection or by means of the equations described in § 141c.231(a)(1) (vii) of this chapter. Average the absorbance values for the sample and read the streptomycin concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the streptomycin content of the sample tested.

§ 141b.106 [Amendment]

48. In § 141b.106 Streptomycin sulfate * * *, paragraph (c) is amended by changing the words "0.2 milligram" in the first sentence to read "approximately 1,000 micrograms".

§ 141b.108 [Amendment]

49. Section 141b.108 Dihydrostreptomycin sulfate * * * is amended as follows:

a. Paragraph (a) is amended by adding thereto the following new sentence: "Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams that it is represented to contain."

b. Paragraph (b) (2) is amended by changing the first four sentences to read as follows: "Keep the working standard (obtained from the Food and Drug Administration) at -20° C. in tightly stoppered containers which in turn are kept in larger stoppered vials containing a suitable desiccant. Dry an appropriate amount of the working standard at 100° C. and a pressure of 5 millimicrons or less for 4 hours. Prepare a stock aqueous solution containing 1.0 milligram of streptomycin base per milliliter. Store this standard solution in a refrigerator

and use for no longer than 2 weeks. Transfer 1.0, 2.0, 3.0, 4.0, and 5.0 milliliters of this standard solution and 10 milliliters of distilled water to each of six 25-milliliter volumetric flasks. Add 9.0, 8.0, 7.0, 6.0, and 5.0 milliliters of distilled water to the five tubes, respectively, to give each a total volume of 10 milliliters."

c. Paragraph (c) is changed to read as follows:

(c) Procedure. Dilute the contents of a vial or a sufficient amount of bulk material to give a concentration of approximately 20 milligrams per milliliter. From the amount of streptomycin obtained, calculate the percent streptomycin as follows:

Milligrams of streptomycin \times 100

 $Percent streptomycin = \frac{1}{Milligrams} \text{ of dihydrostreptomycin found in the sample used}$

§ 141b.112 [Amendment]

- 50. Section 141b.112 Streptomycinpolymyxin-bacitracin tablets is amended in the following respects:
- a. Paragraph (a) (1) (iii) is changed to read as follows:
- (iii) Bacitracin content. Proceed as directed in § 141e.403(a) of this chapter. except use the test organism and prepare the standard curve as directed in § 141a.49(a) (2) (ii) of this chapter. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.
- b. Paragraph (b) (1) (iii) is changed to read as follows:
- (iii) Working standard. Weigh out a sufficient quantity of the working standard (obtained from the U.S.P. Reference Standards Committee, 46 Park Avenue, New York 16, N.Y.), dried as described in § 141a.5(a) of this chapter, and dissolve in 2.0 milliliters of distilled water, then add sufficient 10 percent potassium phosphate buffer, pH 6.0, to make a 1,000 units per milliliter stock solution. This solution may be used for 2 weeks if kept in refrigerator.
- c. Paragraph (b) (1) (iv) is amended by changing the words "1 percent" to read "10 percent".
- d. Paragraph (b)(1)(v) is amended by changing the words "100 milliliters" in the fourth sentence to read "10 milliliters".

§ 141b.126 [Amendment]

- 51. Section 141b.126 Streptomycin-erythromycin ointment is amended as follows:
- a. Paragraph (a) (1) (ii) (g) is changed
- (g) Assay. Place a representative quantity of the ointment (usually an entire container) in a blending jar and add sufficient methyl alcohol to give a volume of approximately 100 milliliters. Using a high-speed blender, blend the mixture for 2 to 3 minutes. Add 400 milliliters of 0.1 M potassium phosphate buffer, pH 8.0, and blend for 2 to 3 minutes. Dilute the mixture to 1.0 microgram per milliliter (estimated) using 0.1 M potassium phosphate buffer, pH 8.0, and proceed as directed in § 141b.101 (h) and (i), except that the incubation temperature is 32° C. to 35° C. The sample may also be prepared by placing a representative quantity of the ointment in a 1,000 milliliter volumetric flask. Add 50 milliliters of ethyl ether and shake until dissolved. Add approximately 200 milliliters of methyl alcohol and bring to the

·1,000 milliliter mark using distilled water. Dilute the mixture to 1.0 microgram per milliliter (estimated), using 0.1 M potassium phosphate buffer, pH 8.0, and proceed as directed in § 141b.101 (h) and (i), except that the incubation temperature is 32° C. to 35° C. Its content of erythromycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

§ 141b.127 [Amendment]

52. In § 141b.127 Streptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement * * *, paragraph (a) (4) is amended by changing the comma after the word "chapter" in the thirteenth sentence to a period and deleting the remainder of the sentence.

§ 141b.129 [Amendment]

53. Section 141b.129 Streptomycinpolymyxin-neomycin ointment * * * is amended in the following respects:

- a. Paragraph (a) (3) (i) is amended by adding thereto the following new sentence: "If the sample contains a watersoluble base, accurately weigh a representative sample and place in a blending jar containing 1 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. Use a highspeed blender and blend the mixture for 2 minutes. Make the proper estimated dilutions, using 10 percent potassium phosphate buffer, pH 6.0."
- b. Paragraph (a) (3) (ii) is changed to read as follows:
- (ii) The standard curve is prepared in the following concentrations: 6.4, 8.0, 10.0, 12.5, and 15.6 units per milliliter in 10 percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point. Calculate from the quantity of neomycin found (using the method described in subparagraph (4) of this paragraph), the quantity of neomycin that would be present when the sample is diluted to contain 10 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding the calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use the standard curve to calculate the polymyxin content. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

§ 141b.131 [Amendment]

54. Section 141b.131 Streptomycin-neomycin powder * * * is amended as follows:

- a. Paragraph (a) (3) is amended by changing the comma following the word "chapter" in the first sentence to a period and deleting the remainder of the sentence.
 - b. Paragraph (b) is changed to read:
- (b) Moisture. Proceed as directed in § 141a.5(a) of this chapter.

§ 141b.132 [Amendment]

- 55. Section 141b.132 Streptomycin solution for inhalation therapy veterinary is amended by changing paragraph (b) to read as follows:
- (b) pH. Proceed as directed in § 141a.5(b) of this chapter, using the undiluted drug.

§ 141b.133 [Amendment]

- 56. Section 141b.133 Streptomycin-polymyxin in gel * * * is amended as follows:
- a. Paragraph (a) (3) (i) is amended by deleting the words "of a 10 percent aqueous solution" from the second sentence.
- b. Paragraph (a) (3) (ii) is amended by changing the numbers "6, 7, 8, 9, 10, 11, 12, 13, 14, and 15" to read "6.4, 8.0. 10.0, 12.5, and 15.6"
- 57. Section 141c.201 is amended to read as follows:

§ 141c.201 Chlortetracycline hydrochloride.

- (a) Potency—(1) Cylinders (cups). Use cylinders described in § 141a.1(a) of this chapter.
- (2) Culture media. Use the medium described in § 141a.1(b) (2) of this chapter for the seed layer and the base layer.
- (3) Working standard. Accurately weigh a suitable quantity of the chlortetracycline hydrochloride working standard and dissolve in 0.01 N HCl to make an appropriate stock solution. Keep in a glass-stoppered flask and store in the refrigerator for not more than 1 week.
- (4) Preparation of sample. Dissolve the sample to be tested in 0.01 N HCl to make an appropriate stock solution. Make the final dilution in 1 percent phosphate buffer, pH 4.5, to contain 0.10 microgram per milliliter (estimated).
- (5) Preparation of suspension. The test organism is Bacillus cereus var. mycoides (ATCC 11778). Maintain the test organism on slants of nutrient agar prepared as described in § 141a.1(b) (1) of this chapter and transfer to fresh agar slants once a month, incubating overnight at 30° C. Wash off the growth with approximately 5 milliliters of sterile distilled water onto the surface of a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension over the entire agar surface with the aid of sterile glass beads. Incubate for 1 week at 30° C. Using 25 to 50 milliliters of sterile distilled water, wash the growth from the agar surface into a glassstoppered Erlenmeyer flash. Heat-shock this suspension for 30 minutes at 65° C. Wash three times with sterile distilled water, centrifuging between each washing and then heat-shock for 30 minutes at 65° C. Resuspend in sterile distilled water and maintain in a refrigerator. This spore suspension may be kept for 1 month. Determine the percent of

spore suspension that gives clear, sharp zones of adequate size after incubation with 0.10 microgram per milliliter of the test standard. Add the appropriate amount of the spore suspension to each 100 milliliters of the agar used for the seed layer, which has been melted and cooled to 48° C.

(6) Preparation of plates. Add 21 milliliters of the agar prepared as in subparagraph (2) of this paragraph to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Add 4.0 milliliters of the inoculum as prepared in subparagraph (5) of this paragraph to each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface. Use porcelain covers glazed on the out-

(7) Assay. Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8 centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 0.10 microgram per milliliter standard and three cylinders with the 0.10 microgram per milliliter (estimated) sample, alternating standard and sample. At the same time pre-pare a standard curve using concentrations of the standard of 0.064, 0.080, 0.10, 0.125, and 0.156 microgram per milliliter in phosphate buffer, pH 4.5. A total of 12 plates are used in the preparation of this standard curve, three plates for each solution, except the 0.10 microgram per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 0.10 microgram per milliliter standard and the other three cylinders with the concentration of the standard under test. Thus, there will be thirty-six 0.10 microgram determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 30° C. and measure the diameter of each circle of inhibition. Average the readings of the 0.10 microgram per milliliter concentration and the readings of the point tested for each set of three plates and average also all 36 readings of the 0.10 microgram per milliliter concentration. The average of the 36 readings of the 0.10 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 0.10 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.08 microgram per milliliter concentration the average of the 36 readings of the 0.10 microgram per milliliter concentration is 18.0 millimeters and the average of the 0.10 microgram per milliliter concentration of this set of three plates is 17.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 0.08 microgram per milliliter concentration of those same three plates in 17.0 millimeters, the corrected value is then 17.2 millimeters. Plot these corrected values, including the average of the 0.10

on one-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Construct the best straight line through the points, either by inspection or by means of the following equations:

$$L = \frac{3a+2b+c-e}{5}$$

$$H = \frac{3e+2d+c-a}{5}$$

L=calculated zone diameter for the lowest concentration of the standard curve.

H= calculated zone diameter for the highest concentration of the standard curve.

c=average value of 36 zone diameters of the 0.1 microgram per milliliter standards.

a, b, d, e=corrected zone diameters for the 0.064, 0.080, 0.125, and 0.156 microgram per milliliter standard solutions, respectively.

Plot the value obtained for L and H and connect the points with a straight line. Use three plates for each sample. Fill three cylinders on each plate with the standard 0.10 microgram per milliliter solution and three cylinders on each plate with the 0.10 microgram per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve, at 30° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 0.10 microgram per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 0.10 microgram per milliliter value on the curve. From the standard curve, read the potencies corresponding to these corrected values of zone sizes.

(8) Turbidimetric assay. In lieu of the plate-assay method described above, the sample may be assayed for potency by the following turbidimetric method:

(i) Test culture and media. The test organism is Staphylococcus aureus (ATCC 6538-P). Prepare a Roux bottle suspension of this organism as described in § 141a.1(e) of this chapter. This suspension may be used for 2 weeks if stored in the refrigerator. Prepare the daily inoculum by adding 10 to 20 milliliters of the standardized suspension dilution to each liter of broth prepared as in § 141a.1(b) (3) of this chapter.

(ii) Working standard. Prepare a stock solution by dissolving an appropriate aliquot of the standard in sufficient 0.01 N HCl to give a concentration of 1,000 micrograms per milliliter. Keep in a glass-stoppered flask and store in the refrigerator for not more than 1 week. Prepare solutions for the daily standard curve by diluting an aliquot of the stock solution in 0.1 M phosphate buffer, pH 4.5, to the following concentrations: 0.036, 0.047, 0.060, 0.077, and microgram per milliliter concentration 0.099 microgram per milliliter. Place 1

milliliter of each concentration in each of three replicate tubes 16 millimeters x 125 millimeters (outside dimension). To each tube, add 9 milliliters of inoculated broth described in subdivision (i) of this subparagraph and place immediately in a water bath at 37° C. for 3 to 4 hours. Remove the tubes and add 0.5 milliliter of a 12 percent solution of formaldehyde to each tube.

(iii) Preparation of sample. Prepare an appropriate stock solution of the sample in 0.01 N HCl. Dilute further in pH 4.5 buffer to a final estimated concentration of 0.06 microgram per milliliter. Add 1 milliliter of this final concentration to each of three replicate tubes and proceed as described for the standard solution tubes in subdivision (ii) of this subparagraph. After incubation and the addition of formaldehyde to all tubes, including standard and sample tubes, read the absorbance values in a suitable photoelectric colorimeter, using a wavelength of 530 ma. Set the instrument at zero absorbance with clear, uninoculated broth prepared

as described in § 141a.1(b) (3).
(iv) Estimation of potency. Plot the average absorbance values for each concentration of the standard on one-cycle semilogarithmic graph paper with absorbance values on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points either by inspection or by means of the equations described in § 141c.231(a) (1) (v). Average the absorbance values for the sample and read the chlortetracycline concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the chlortetracycline content of the sample.

(9) Chlortetracycline content. potency is satisfactory if the immediate containers contain 85 percent of the number of grams they are represented to contain.

(b) Sterility. Using 40 milligrams from each container tested, proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) Toxicity. Proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2 milligrams per milliliter, except if it is intended for use solely in the manufacture of a veterinary drug for nonparenteral use, use a test dose of 0.4 milliliter of such solution.

(d) Pyrogens. Proceed as directed in § 141a.3 of this chapter, using a test dose of 1.0 milliliter per kilogram of an aqueous solution containing 5 milligrams per milliliter.

(e) Histamine. Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 milliliter of a solution containing 5 milligrams per milliliter prepared with the diluent recommended by the manufacturer in his labeling for the drug.

(f) Moisture. Proceed as directed in § 141a.5(a) or § 141a.26(e) of this chapter.

(g) pH. Proceed as directed in § 141a.5(b) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(h) Microscopical test for crystallinity. Proceed as directed in § 141a.5(c) of this chapter.

§ 141c.203 [Amendment]

- 58. In § 141c.203 Chlortetracycline troches * * * , paragraph (a) is amended by changing the words "sterile distilled water" in the second sentence to read "0.01 N HCl".
- 59. Section 141c.204(a) is amended to read as follows:
- § 141c.204 Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.

(a) Potency. Using 3 capsules of 250 milligrams or 5 capsules of 50 milligrams or 100 milligrams and 500 milliliters of 0.01 N HCl in the blender, proceed as directed in § 141c.203(a) if it is chlortetracycline. If it is tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, use 500 milliliters of N HCl, and proceed as directed in § 141c.218(a). If it contains vegetable oils, use 1 milliliter of polysorbate 80 and sufficient solvent to give 500 milliliters. The average potency of the drug is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

§ 141c.205 [Amendment]

60. In § 141c.205 Chlortetracycline powder * * *, paragraph (a) is amended by changing "§ 141c.203(a)" in the second sentence to read "141c.218(a)" and by changing "0.01 N HCl" in the third sentence to read "0.1 N HCl".

§ 141c.209 [Amendment]

61. In ·§ 141c.209 Chlortetracycline dental cones, paragraph (a) is amended by changing the first sentence to read: "Proceed as directed in § 141c.203(a)."

§ 141c.210 [Amendment]

62. In § 141c.210 Chlortetracycline dental paste, paragraph (a) is amended by changing the phrase "200 cubic centimeters of sterile distilled water" to read "200 milliliters of 0.01 N HCl."

§ 141c.212 [Amendment]

63. In § 141c.212 Chlortetracycline suppositories * * * paragraph (a) is amended by changing the fourth and fifth sentences to read: "Shake with a 50-milliliter portion of 0.01 N HCl. Remove the aqueous layer and repeat the extraction with three 50-milliliter quantities of buffer.'

§ 141c.214 [Amendment]

64. In § 141c.214 Chlortetracycline dressing, paragraph (a) is amended by changing the words "buffer solution" to read "0.01 N HCl".

§ 141c.217 [Amendment]

65. In § 141c.217 Chlortetracycline calcium syrup * * * paragraph (a) is amended by changing the second sentence to read: "If it is tetracycline syrup or tetracycline magnesium syrup, use a 1-milliliter aliquot of the sample and proceed as directed in § 141c.205(a)."

read as follows:

§ 141c.218 Tetracycline hydrochloride.

(a) Potency. Use the tetracycline hydrochloride working standard as the standard of comparison and proceed as directed in § 141c.201(a) (8), except:

(1) Use 0.1 N HCl instead of 0.01 N HCl for the preparation of the standard stock solution and the sample stock solution.

(2) Further dilute the samples in 0.1 M phosphate buffer, pH 4.5, to an estimated final concentration of 0.24 microgram per milliliter instead of 0.06 microgram per milliliter.

(3) The final concentrations for the standard curve are 0.146, 0.187, 0.240, 0.308, and 0.395 microgram per milliliter.

The potency of tetracycline hydrochloride intended for use by injection is satisfactory if each immediate container contains not less than 90 percent of the. tetracycline hydrochloride that it is represented to contain.

§ 141c.221 [Amendment]

67. In § 141c.221 Tetracycline hydrochlordie for intramuscular use * * *. paragraph (a) is amended by changing "0.01 N HCl" to read "0.1 N HCl".

§ 141c.222 [Amendment]

68. In § 141c.222 Tetracycline hydrochloride oral suspension * * *, paragraph (a) is amended by changing the first sentence to read as follows: "Transfer 1 milliliter of the well shaken suspension to a suitable high-speed blender containing 500 milliliters of 0.1 N HCl.'

§ 141c.223 [Amendment]

69. In § 141c.223 Chlortetracyclineneomycin-streptomycin-penicillin ointment * * *, paragraphs (a) (2) and (4) are amended to read as follows:

(2) Chlortetracycline content. Wash the residue in the funnel four times with 10-milliliter portions of 0.3 percent piperidine in acetone solution. Withdraw each washing under vacuum. Combine the four washings in a 100-milliliter volumetric flask and make to mark with 0.1 M monopotassium phosphate buffer, pH 4.5. The sample may also be prepared by placing a representative portion (usually 1.0 gram, accurately weighed) in a glass blending jar containing 199 milliliters of 0.01 N HCl and 1.0 milliliter of polysorbate 80. Using a high-speed blender, blend the mixture for 2 to 3 minutes and make proper estimated dilutions in 0.1 M monopotassium phosphate buffer, pH 4.5, adding sufficient penicillinase to inactivate the penicillin. Proceed as directed in § 141c.201(a) (8). Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

. ٠ (4) Neomycin content. The residue remaining in the funnel after the extraction described in subparagraph (2) of this paragraph contains the neomycin and streptomycin or dihydrostreptomycin. Wash this residue five times, using 10-milliliter aliquots of 0.1 M phosphate

66. Section 141c.218(a) is changed to buffer, pH 8.0, drawing each washing off under vacuum. Combine the washings in a 100-milliliter volumetric flask and make to mark with 0.1 M phosphate buffer, pH 8.0. Using an aliquot of this aqueous solution, proceed as directed in § 141a.65(a) (4) (i) or (ii) of this chapter. The content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

§ 141c.224 [Amendment]

70. In § 141c.224 Tetracycline hydrochloride-nystatin capsules * * *, paragraph (b) Nystatin used in making the capsules is amended as follows:

a. Subparagraphs (1) (iii) and (v) are changed to read:

(iii) Working standard. Dry an appropriate amount of the working standard (obtained from the U.S.P. Reference Standards Committee, 46 Park Avenue, New York 16. New York) for 2 hours at 40° C. at a pressure of 5 millimicrons or less. Dissolve a weight of the dried standard in sufficient dimethylformamide to give a stock solution of convenient concentration (usually 1,000 units to 5,000 units per milliliter). This stock solution should be prepared simultaneously with the samples to be tested and should be used for 1 day only.

(v) The test organism is Saccharomyces cerevisiae (ATCC 9763 or ATCC 2601 (no vitamin requirement)), which is maintained on slants of agar described under subdivision (ii) (a) of this subparagraph and transferred once a week. After transfer, the culture is incubated at 37° C. for 24 hours and then kept refrigerated. Prepare the organism suspension by either of the following methods:

b. Subparagraph (1)(v)(b)amended by changing the words "15 milliliters" in the third sentence to read "30 milliliters".

c. Subparagraph (1) (vii) is amended by changing the words "18 plates" in the third sentence to read "12 plates," and by changing the number "54" in the sixth, eighth, ninth, and eleventh sentences to read "36".

§ 141c.227 [Amendment]

- 1. Section 141c.227 Chlortetracycline spray dressing * * *, is amended by changing paragraph (c) to read as follows:
- (c) Moisture. Proceed as directed in § 141b.117(c) of this chapter, except dissolve the sample in 10 milliliters of dry chloroform.
- 72. Section 141c.228(a) (2) is amended to read as follows:

§ 141c.228 Tetracycline hydrochloride neomycin tablets.

(a) Potency. * * *

(2) Neomycin content. Proceed as directed in § 141e.410(a)(1)(ii) of this chapter if Micrococcus albus is used as the test organism. If Staphylococcus aureus is used as the test organism proceed as follows: Immediately after the second blending, heat a convenient sized aliquot of the blend in a steam bath for 30 minutes, cool, and dilute to 10 micrograms per milliliter (estimated). Its content of neomycin is satisfactory if it contains 85 percent of the number of milligrams per tablet that it is represented to contain.

§ 141c.230 [Amendment]

73. In § 141c.230 Chlortetracycline hydrochloride powder topical, paragraph (a) is amended as follows:

a. Subparagraph (1) is amended by inserting the words "(use 0.1 N HCl if it is tetracycline)" in the second and third sentences immediately following the words "0.01 N HCl."

b. Subparagraph (2) is amended by inserting the words "(use 0.1 N HCl if it is tetracycline)" in the eighth sentence immediately following the words "500 milliliters of 0.01 N HCl."

§ 141c.231 [Amendment]

74. Section 141c.231 Capsules tetracycline and oleandomycin • • •, is amended as follows:

a. Paragraph (a) (1) (ii) is amended by changing "0.01 N HCl" in the first sentence to read "0.1 N HCl".

b. Paragraph (a) (1) (iii) is amended by changing the words "0.01 N HCl" in the first sentence to read "0.1 N HCl".

c. Paragraph (c) (1) (ii) (a) and (b) are changed to read:

(ii) Culture media. (a) Use the nutrient agar described in § 141a.1(b)(1) of this chapter for the seed layer and base layer, except that its pH after sterilization is 7.8 to 8.0.

(b) Use the nutrient agar described in § 141a.1(b) (1) of this chapter for maintaining the test organism.

d. Paragraph (c)(1)(iii) is changed to read:

- (iii) Working standard. Dissolve a suitable weighed quantity (usually 25 milligrams or less) of the working standard (obtained from the Food and Drug Administration) in 2 milliliters of ethanol, then add sufficient 0.1 M potassium phosphate buffer, pH 8.0, to give a concentration of 1,000 micrograms of oleandomycin base per milliliter. This stock solution may be kept in the refrigerator for 3 days.
- e. Paragraph (c) (1) (vii) is amended by changing the number "7.81" in the first sentence and in the formula to read "7.80".
- f. Paragraph (d) (5) (ii), is amended by changing the words "3 milliliters to 5 milliliters" in the fourth sentence to read "3 microliters to 5 microliters".

§ 141.233 [Amendment]

75. In § 141.233 Tetracycline-olean-domycin phosphate for oral suspension, paragraph (a) (1) is amended by changing "0.01 N HCl" in the second sentence to read "0.1 N HCl".

§ 141c.235 [Amendment]

76. In § 141c.235 Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection, paragraph (a) (1) is amended by changing the words "0.01 N HCl" in the third sentence to read "0.1 N HCl".

§ 141c.236 [Amendment]

77. In § 141c.236 Tetracycline-nystatin for oral suspension, paragraph (a) is amended as follows:

a. Subparagraph (1) is amended by changing the words "0.01 N HCl" in the second sentence to read "0.1 N HCl".

b. Subparagraph (2) is amended by changing the words "1 percent" in the fourth sentence to read "10 percent".

78. Section 141c.237(a) (1) and (3) are amended to read as follows:

§ 141c.237 Chlortetracycline-neomycinstreptomycin ointment; chlortetracycline-neomycin-dihydrostreptomycin ointment; tetracycline hydrochlorideneomycin-streptomycin ointment; tetracycline hydrochloride-neomycindihydrostreptomycin ointment.

(a) Potency — (1) Chlortetracycline content. Proceed as directed in § 141c.201(a)(8), except prepare the sample by one of the following methods: Place an accurately weighed sample of approximately 1 gram in an extraction funnel prepared by fusing a ground-glass joint to the top of a medium-porosity sintered-glass filter funnel (30-millimeter diameter). Wash with five 10milliliter portions of warm isooctane and draw off the ointment base under vacuum. Discard the isooctane washings. Wash the residue in the funnel four times with 10-milliliter portions of 0.3 percent piperidine in acetone solution. Withdraw each washing under vacuum. Combine the four washings in a 100milliliter volumetric flask and make to mark with 0.1 M potassium phosphate buffer, pH 4.5. The solution for assay may also be prepared by placing a representative portion of the sample (usually 1.0 gram, accurately weighed) in a glass blending jar containing 199 milliliters of 0.01 N HCl and 1 milliliter of polysorbate 80. Using a high-speed blender, blend the mixture for 2 to 3 minutes and make proper estimated dilutions using 0.1 M potassium phosphate buffer, pH 4.5. Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain. ٠

(3) Neomycin content. The residue remaining in the funnel after the extraction described in subparagraph (1) of this paragraph contains the neomycin and streptomycin or dihydrostreptomycin. Wash this residue five times, using 10-milliliter aliquots of 0.1 M potassium phosphate buffer, pH 8.0, drawing each washing off under vacuum. Combine the washings in a 100-milliliter volumetric flask and make to mark with 0.1 M potassium phosphate buffer, pH 8.0. Using an aliquot of this aqueous solution. proceed as directed in § 141a.65(a) (4) of this chapter. If Staphylococcus epidermidis is used as the test organism, proceed as directed in § 141a.411(a)(2) of this chapter. The content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

§ 141c.239 [Amendment]

79. In § 141c.239 Tetracycline-novobiocin for oral suspension, paragraph (a) is amended as follows:

a. In subparagraph (1), the words, "0.01 N HCl" in the second sentence are changed to read "0.1 N HCl".

b. In subparagraph (2), the words "0.1 μ g." are changed to read "0.5 μ g.".

§ 141c.240 [Amendment]

80. In § 141c.240 Tetracycline-triace-tyloleandomycin syrup * * *, paragraph (a) (1) is amended by changing the words "0.01 N HCl" in the second sentence to read "0.1 N HCl".

§ 141c.244 [Amendment]

81. Section 141c.244 Tetracycline hydrochloride-neomycin spray ointment topical is amended as follows:

a. Paragraph (a) (2) is amended by changing the words "distilled water" in the second and third sentences to read "0.1 M potasssim phosphate buffer, pH 8.0".

b. Paragraph (c) is changed to read:

(c) Moisture. Proceed as directed in § 141b.117(c) of this chapter, except dissolve the sample in 10 milliliters of dry chloroform.

§ 141c.257 [Amendment]

82. In § 141c.257 Tetracycline-amphotericin B for oral syrup * * *, paragraph (a) (2) is amended by changing the second and third sentences to read as follows: "Transfer an appropriate aliquot to a volumetric flask and make to mark with dimethyl sulfoxide. Remove an aliquot and dilute with dimethyl sulfoxide to give a concentration of 20 micrograms per milliliter (estimated)."

§ 141d.301 [Amendment]

83. In § 141d.301 Chloramphenicol, paragraph (a) (7) is amended by changing the third through the thirteenth sentences to read as follows: "Fill three cylinders on each plate with the 50 micrograms per milliliter standard and three cylinders with the 50 micrograms per milliliter (estimated) sample, alternating standard and sample. At the same time prepare a standard curve, using concentrations of the standard of 32.0, 40.0, 50.0, 62.5, and 78.1 micrograms per milliliter. A total of 12 plates is used in the preparation of the standard curve, three plates for each solution except that 50 micrograms per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 50 micrograms per milliliter standard and the other three cylinders with the concentration of the standard under test. Thus, there will be thirty-six 50-microgram determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 32° C.-35° C. and measure the diameter of each circle of inhibition. Average the readings of the 50 micrograms per milliliter concentration and the readings of the point tested for each set of three plates, and average also all 36 readings of the 50 micrograms per milliliter concentration. The average of the 36 readings of the 50 micrograms per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 50 micrograms per milliliter readings for that set of three plates were the same as the correction point. Thus, if in correcting the 40 micrograms per milliliter concentration the average of the 36 readings of the 50 micrograms per milliliter is 18.0 millimeters, and the average of the 50 micrograms per milliliter concentration of this set of plates is 17.8 millimeters, the correction is 0.2 millimeter."

§ 141d.313 [Amendment]

84. In § 141d.313 Chloramphenicolpolymyxin ointment; potency, paragraph (b) Polymyxin content is amended by changing the fifth sentence to read as follows: "Combine the extractives and make the proper estimated dilutions, using the buffer solution, except that, if the sample contains a water-soluble base, place an accurately weighed representative sample in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 8.0, to give a final volume of 200 milliliters. Using a high-speed blender, blend the mixture for 2 minutes to 3 minutes and then make the proper estimated dilutions with 10 percent phosphate buffer, pH 6.0."

§ 141e.401 [Amendment]

85. In § 141e.401, paragraph (a) (1) (i) and (iii) and (2) (i), (ii), (iii), and (iv) are changed to read as follows:

§ 141e.401 Bacitracin.

(a) Potency—(1) Plate assay. * • • (1) Dry the working standard (obtained from the Food and Drug Administration) for 3 hours at 60° C. under 5 millimicrons or less pressure. Weigh a sufficient amount to make a convenient stock solution and dilute in 1 percent phosphate buffer, pH 6.0. The stock solution when refrigerated may be used for two weeks. The stock solution may also be preserved for at least two months by freezing in small aliquots. Each aliquot should be sufficient for 1 day's use only. Make all dilutions of the stock solution for the assay with 1 percent phosphate buffer.

(iii) The test organism is either Micrococcus flavus (ATCC 10240) or Sarcina subflava (ATCC 7468), both of which are maintained at refrigerator temperature on slants of nutrient agar prepared as directed in § 141a.1(b)(1) of this chapter. Inoculate a Roux bottle containing this agar from a stock slant of the organism and incubate 18 hours at 32° C.-35° C. Wash off the growth in 25 milliliters of sterile sodium chloride solution. If an aliquot of this bulk suspension, when diluted 1:50 in sodium chloride solution, gives 75 percent light transmission, if it is Micrococcus flavus (ATCC 10240), or 50 percent light transmission, if it is Sarcina subflava (ATCC 7468) in a suitable photoelectric colorimeter equipped with a filter having a wavelength of 6,500 Angstrom units, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:50 gives 75 percent light transmission, if it is Micrococcus flavus (ATCC 10240) or 50 percent light transmission if it is Sarcina subflava (ATCC 7468). (The adjusted bulk suspension only, and not the 1:50 dilution of it, is used in preparing the seed layer.) Add 0.3 to 0.5 milliliter of the adjusted bulk suspension to 100 milliliters of agar that has been melted and cooled to 48° C.

(2) Turbidimetric assay. * * *

(i) Test culture and media. The test organism is Staphylococcus aureus (ATCC 10537), which is maintained at refrigerator temperature on slants of nutrient agar prepared as directed in § 141.a1(b)(1) of this chapter. Inoculate a Roux bottle containing this agar from a stock slant of the organism and incubate 18 hours at 32° C.-35° C. Wash off the growth in 50 milliliters of sterile sodium chloride solution. If an aliquot of the bulk suspension, when diluted 1:10 in sodium chloride solution, gives 20 percent light transmission in a suitable photoelectric colorimeter equipped with a filter having a wavelength of 6,500 Angstrom units, the bulk suspension is ready for use. It may become necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:10 gives 20 percent light transmission. (The adjusted suspension only, and not the 1:10 dilution, is used in preparing the daily inoculum.) Prepare the daily inoculum by adding approximately 0.2 milliliter of the adjusted suspension to each 100 milliliters of refrigerated broth.

(ii) Working standard solutions. Dilute the working standard to 10 units per milliliter of vacitracin in 1 percent phosphate buffer. Further dilute this to make solutions containing 0.256, 0.320, 0.400, 0.500, and 0.625 units per milliliter. These solutions are used for preparing the standard curve and may be held at 15° C. for 1 week. Add 1.0 milliliter of each of these working standard solutions to each of three 16 millimeter x 125 millimeter tubes (outside dimension).

(iii) Preparation of sample. Dilute the sample under test to 0.400 unit per milliliter (estimated). Add 1.0 milliliter of the diluted sample to each of three 16 millimeter x 125 millimeter tubes (outside dimension). Add 9.0 milliliters of the "daily" inoculum described in subdivision (i) of this subparagraph to each tube of the standard and unknown series and place immediately in a 37° C. water bath for 4 hours. After incubation, add four drops of formaldehyde to each tube. and estimate the turbidity of each in a photoelectric colorimeter, using a broadband filter having a wavelength of 5300 Angstrom units.

(iv) Estimation of potency. Average the three colorimeter readings at each standard level. Plot the average absorbance figures of the standard on semilog graph paper, employing units per tube as the logarithmic scale and absorbance as the arithmetic scale. Connect the points with a straightedge. Average the sample

readings and read in units per tube from the curve. Units per tube divided by 0.400×100 will give percent potency of the sample.

§ 141e.402 [Amendment]

86. Section 141e.402 Bacitracin ointment * * * is amended by changing "§ 141e.401(a) (1) (iii)" in the first sentence of paragraph (a) to read "§ 141e.401(a) (1) (ii)".

87. Section 141e.403(a) is amended to read as follows:

§ 141e.403 Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets.

(a) Potency. Proceed as directed in § 141e.401(a), except § 141e.401(a)(3), and in addition to the directions in § 141e.401(a) (1) (ii), proceed as follows: Place a representative sample (usually five tablets) in a blending jar containing 250 milliliters of 1 percent phosphate buffer, pH 6.0, except that if it is bacitracin methylene disalicylate use 99 milliliters of an aqueous solution of 2 percent sodium bicarbonate and 1 milliliter of polysorbate 80. If it is bacitracin or zinc bacitracin, after blending for 1 minute with a high-speed blender, add 250 milliliters of buffer to the blender. Blend again for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0. The content of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to

88. Section 141e.409(a) (2) is amended to read as follows:

§ 141e.409 Bacitracin-polymyxin ointment; zinc bacitracin-polymyxin ointment.

(a) Potency. * * *

(2) Polymyxin content. Proceed as directed in § 141b.112(b)(1) of this chapter, except in lieu of the directions in § 141b.112(b) (1) (vii) for the preparation of the sample, prepare the sample by one of the following methods: Accurately weigh approximately 5 grams and transfer to a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake with four 25-milliliter portions of 10-percent potassium phosphate buffer (pH 6.0) and combine the extracts. However, if the ointment contains a water-soluble base, accurately weigh approximately 5 grams and place in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and then make the proper estimated dilutions using 10 percent phosphate buffer, pH 6.Q. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

89. Section 141e.410(b) (1) (iv), (v), and (vii) are amended to read as follows:

§ 141e.410 Bacitracin-neomycin tablets; zine bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets.

(b) Neomycin used in making the tablets—(1) Potency. * * *

(iv) Standard curve. Using the stock solution, prepare a daily standard curve as directed in § 141b.101(d) of this chapter, using solutions of the neomycin working standard in $0.1\ M$ potassium phosphate buffer, pH 8.0, in concentrations of 6.4, 8.0, 10.0, 12.5, and 15.6 micrograms per milliliter if the test organism Staphylococcus aureus (ATCC 6538P), or in concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 micrograms per milliliter if the test organism is Staphylococcus epidermitis (ATCC 12228). The 10.0 micrograms per milliliter and the 1.0 microgram per milliliter concentrations are used as the reference points.

(v) Preparation of test organism. The test organism is M. Pyogenes var. aureus (ATCC 6538P), which is maintained on agar described in § 141a.1(b)(1) of this chapter. From a stock slant inoculate a Roux bottle containing this same agar and incubate for 24 hours at 32° C.-35° C. Wash the resulting growth from the agar surface with about 50 milliliters of sterile sodium chloride solution. Standardize this suspension by determining the dilution that will permit 80 percent light transmission through a filter at 6500 Angstrom units in a photoelectric colorimeter. The suspension may be used for 2 weeks if it is stored under refrigeration. Staphylococcus epidermitis (ATCC 12228), which is maintained on agar as described in § 141a.1(b)(1) of this chapter, may also be used as the test' organism. From a stock slant, inoculate a Roux bottle containing this medium and incubate for 24 hours at 32° C.-35° C. Wash the resulting growth from the agar surface, using approximately 30 milliliters of sterile sodium chloride solution. Standardize the suspension by determining the dilution that will permit 80 percent light transmission through a filter of 6500 Angstrom units in a photoelectric colorimeter. The suspension may be stored for 2 weeks under refrigeration.

(vii) Assay. Dissolve volumetrically in 0.1 M potassium phosphate buffer, pH 7.8 to 8.0, the sample to be tested to make a convenient stock solution. Further dilute volumetrically this solution with 0.1 M potassium phosphate buffer, pH 7.8 to 8.0, to a final concentration of 10.0 micrograms (estimated) per milliliter, if the test organism is Staphylococcus aureus or 1.0 microgram per milliliter (estimated) if the test organism is Staphylococcus epidermitis.

§ 141e.405 [Amendment]

90. Section 141e.405 Bacitracin with vasoconstrictor is amended by adding a new paragraph (c), reading as follows:

(c) pH. Proceed as directed in § 141a.5 (b) of this chapter, using a solution prepared as directed in the labeling of the

§ 141e.415 [Amendment]

91. In § 141e.415, paragraph (a) is amended as follows:

a. Subparagraph (1) is amended to

- (1) Polymyxin content. Dissolve five troches in a small amount of 10 percent phosphate buffer, pH 6.0, then add sufficient buffer to give a concentration of 100 units per milliliter and proceed as directed in § 141b.112(b)(1) of this chapter, except § 141b.112(b) (1) (iv). Prepare daily standard curve as directed in § 141a.21(c)(1)(vii) of this chapter, except that: Calculate the amount of sucrose that would be present when the sample is diluted to contain 10 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding that amount of sucrose to each concentration of polymyxin used for the curve. Using a solution of the polymyxin working standard in 10 percent potassium phosphate buffer, pH 6.0, prepare volumetrically the following concentrations: 6.4, 8.0, 10.0, 12.5, and 15.6 units per milliliter in 10 percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point. Use this standard curve to calculate the polymyxin content of the sample.
- b. Subparagraph (2) is amended by changing the first sentence to read as follows: "Proceed as directed in § 141e.404(a)."

§ 141e.416 [Amendment]

92. In § 141e.416 Bacitracin methylene disalicylate, paragraph (a) is amended by deleting the phrase "of a 10 percent aqueous solution" from the second sentence.

§ 141e.418 [Amendment]

93. In § 141e.418 Zinc bacitracin * * *. paragraph (e) is changed to read as follows:

(e) Zinc content—(1) Reagents—(i) Aqueous working solution. Dissolve 3.11

grams of the zinc oxide in sufficient 1 N HCl and dilute to 250 milliliters with water. Remove a suitable aliquot and dilute with water to obtain 0.1 percent solution.

(ii) Alkaline buffer solution. Mix one part 10 N ammonium hydroxide and 4.5 parts of 1 N ammonium chloride.

(iii) 1 percent phenolphthalein in absolute alcohol.

(iv) Ethylenediaminetetraacetic acid sodium working solution. Dissolve 3.72 grams of ethylenediaminetetraacetic acid sodium in 100 milliliters of water. Remove an aliquot and prepare a 1:25 dilution using water as the diluent.

(v) 1-(1-Hydroxy-2-naphthylazo)-5nitro-2-naphthol-4-sulfonic acid sodium salt solution. Prepare daily a 1 percent solution in alkaline buffer.

(2) Preparation of sample. Using 2 milliliters of 10 percent acetic acid and 5 milliliters of water, wash an amount of the sample containing approximately 2 milligrams of zinc (usually 40 milligrams to 50 milligrams, into a titration flask. Add 1 drop of phenolphthalein solution. Add 1 N NaOH, dropwise, until a heavy precipitate of bacitracin appears and a faint pink color persists.

(3) Preparation of standard. Place 2-milliliter aliquots of the 0.1 percent working solution into two titration flasks, respectively, and add one drop of phenolphthalein solution.

(4) Procedure. To all titration flasks (standard and sample) add 2 milliliters of alkaline buffer solution, 50 milliliters of water, and 0.1 milliliter of 1-(1-hydroxy-2-naphthylazo) -5-nitro-2 - naphthol-4-sulfonic acid sodium salt indicator solution. Titrate with ethylenediaminetetraacetic acid working solution from a burgundy-red color to a blue endpoint.

(5) Calculation. From the standards, calculate the milligram equivalent of the ethylenediaminetetraacetic acid solution per milliliter (F).

Percent zinc = $\frac{F \times \text{milliliters of ethylenediamine-tetraacetic acid (sample)} \times 100$ Weight of samples in milligrams (on anhydrous basis)

§ 141e.419 [Amendment]

94. In § 141e.419 Bacitracin-neomycin-polymyxin troches * * *, paragraph (a) is amended as follows:

a. In subparagraph (2), the number "100" in the first sentence is changed

b. In subparagraph (3), the first sentence is changed to read: "Proceed as directed in § 141e.404(a).

§ 141e.421 [Amendment]

95. In § 141e.421 Bacitracin-neomycinpolymyxin tablets, paragraph (a) (3) is amended by changing the number "100" to read "10".

96. Section 141e.423(a) is amended to read as follows:

disalicylate.

(a) Potency. Proceed as directed in § 141e.401(a)(1), except in lieu of the phate buffer".

directions for preparing the sample in § 141e.401(a) (1) (ii), prepare the sample as follows: Place an accurately weighed sample of approximately 1 gram in a blending jar, add 99 milliliters of an aqueous solution of 2 percent sodium bicarbonate and 1 milliliter of polysorbate 80 and blend for 3 minutes in a highspeed blender. Allow the foam to subside. Dilute a suitable aliquot with 1 percent phosphate buffer to a concentration of one unit per milliliter. Its potency is satisfactory if it contains not less than 85 percent of the bacitracin activity per pound that it is represented to contain.

§ 141e.425 [Amendment]

97. In § 141e.425 Bacitracin powder, § 141e.423 Soluble bacitracin methylene paragraph (a) is amended by changing the word "water" in the first sentence (both places) to read "1 percent phos-

§ 141e.426 [Amendment]

98. In § 141e.426 Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary, paragraph (a) (1) is amended by changing the figure "6" in the first sentence to read "5".

§ 141e.428 [Amendment]

99. In § 141e.428 Capsules bacitracin methylene disalicylate and streptomycin sulfate oral veterinary, paragraph (a) (1) is amended by changing the parenthetical expression "(usually six)" in the first sentence to read "(usually five)".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER. (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 13, 1960.

[SEAL] GEO. P. LARRICK, Commissioner of Food and Drugs.

[F.R. Doc. 60-4555; Filed, May 19, 1960; 8:47 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations
PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND
ADJACENT WATERS

Miscellaneous Amendments

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR 4.11, as adopted by Canal Zone Order 30, January 6, 1953, Subpart E—Transportation of Hazardous Cargoes in Canal Zone Waters, of Part 4 of Title 35 of the Code of Federal Regulations is hereby revised as follows:

1. Section 4.116b is amended to read as follows:

§ 4.116b Construction of cargo tanks.

(a) Grade "A" cargo tanks shall extend to the main deck with hatches and vents located on the weather deck.

(b) All cargo tanks to be vented at a gage pressure of 4 pounds per square inch or less shall be constructed and tested as required by standards established by the American Bureau of Shipping or other recognized classification society.

(c) All cargo tanks to be vented at a gage pressure exceeding 4 pounds per square inch shall be constructed in accordance with pertinent provisions of the Tank Vessel Regulations of the United States Coast Guard or in accordance with comparable regulations of regulatory agencies of other nations.

2. New § 4.116c is added as set forth below:

§ 4.116c Liquid level gaging, Grade "A"

Tank vessels which are to load or discharge Grade "A" liquids in Canal Zone waters shall provide a method of determining the liquid level in the tank without opening ullage holes, cargo hatches, or butterworth plates: Provided, That ullage holes fitted with sounding pipes tightly secured to the underside of the tank tops, open at the bottom, and extending to within 18 inches or less of the bottom of the tank shall be considered as complying with the foregoing requirement.

§ 4.116d [Redesignation]

- 3. Section 4.116c is redesignated as § 4.116d.
- 4. A new paragraph (c) is added to § 4.118c as follows:
- § 4.118c General safety requirements during transfer operations.
- (c) Tank vessels which are to transfer Grade "A" cargo shall have all openings in the top of the tanks closed except branch vent lines.
- 5. Paragraphs (c), (d) and (e) of \$4.118c are redesignated as paragraphs (d), (e) and (f), respectively.

§ 4.120c [Amendment]

6. New paragraph (m) is added to \$4.120c as set forth below:

(m) In transferring Grade "A" cargo, that all openings in the top of the tanks are closed except branch vent lines.

§ 4.121 [Amendment]

- 7. New paragraph (m) is added to § 4.121 as set forth below:
- (m) If Grade "A" cargo is to be transferred, are all openings in the top of the tanks closed except branch vent lines?
- 8. New § 4.126 is added as set forth below:

§ 4.126 Inspection and certification of tank vessels.

(a) Tank vessels transporting hazardous liquid cargoes in bulk shall be inspected in accordance with the provisions of §§ 4.116 through 4.125a. Conditions and design of tank vessels not specifically covered by the provisions of §§ 4.116 through 4.125a shall conform to the United States Coast Guard regulations for tank vessels or equivalent.

(b) When a tank vessel is found to comply with the requirements of paragraph (a) of this section, a Certificate of Inspection shall be issued by the Board of Local Inspectors of the Canal Zone Government which shall be endorsed as follows: "Inspected and approved for the carriage of Grade 'A', 'B', 'C', 'D', 'E' bulk oil cargo (as the case may be)."

9. This revision shall become effective on November 1, 1961.

Issued at Balboa Heights, Canal Zone, May 4, 1960.

[SEAL]

W. E. POTTER, Governor.

[F.R. Doc. 60-4553; Filed, May 19, 1960; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

PART 402—ACCEPTANCE AND ADMINISTRATION OF GIFTS

Gifts Made to the United States for Benefit of Freedmen's Hospital and Gifts Made for Patients of Freedmen's Hospital

Notice of proposed rule making and public rule making procedures and delay in effective date have been omitted as unnecessary in the issuance of the following amendments which relate solely to agency management and concern the acceptance by the Secretary of Health, Education, and Welfare of gifts to Freedmen's Hospital and authorize the Superintendent of Freedmen's Hospital to accept gifts made to the Hospital and gifts made for the benefit of patients of Freedmen's Hospital.

Effective date. These amendments shall become effective on the date of publication in the Federal Register.

Chapter IV of Title 42 of the Code of Federal Regulations is amended by adding a new Part 402 which reads as follows:

Sec.

402.1 Unconditional gifts.

402.2 Acceptance of unconditional gifts by the superintendent.

402.3 Acceptance of gifts by the secretary. 402.4 Gifts for distribution to patients.

AUTHORITY: \$\$ 402.1 to 402.4 issued under 55 Stat. 187, 18 Stat. 223, Reorg. Plan No. IV of 1940, Reorg. Plan No. 1 of 1953; 32 D.C. Code 317.

§ 402.1 Unconditional gifts.

A gift will be deemed unconditional if it is made to Freedmen's Hospital for the improvement, maintenance, or operation of the Hospital without further specification as to its purpose or the manner of its use.

§ 402.2 Acceptance of unconditional gifts by the superintendent.

The Superintendent or his designee is authorized to accept on behalf of the United States the following categories of unconditional gifts to the United States, including testamentary gifts:

(a) A gift of money not in excess of \$1,000.

(b) A gift of personal property such as, but not limited to, recreational equipment, furniture, radio or television sets, if the total market value at the time of the donation does not exceed \$1,000.

§ 402.3 Acceptance of gifts by the secretary.

Unconditional gifts not within the categories specified in § 402.2 may be accepted only by the Secretary of Health Education, and Welfare. Conditional

gifts may be accepted only by the Secretary if such acceptance is recommended by the Surgeon General.

§ 402.4 Gifts for distribution to patients.

Gifts of money or personal property donated for distribution to patients at the Hospital shall not be deemed gifts to the United States. The Superintendent or his designee may accept such gifts for distribution to patients in accordance with the terms of the gift if it ap-

pears that such distribution would be beneficial to the patients.

Dated: April 14, 1960.

[SEAL]

L. E. BURNEY, Surgeon General.

Approved: May 16, 1960.

ARTHUR S. FLEMMING,

Secretary.

[F.R. Doc. 60-4557; Filed, May 19, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 285]

CIGARETTE PAPERS AND TUBES— MANUFACTURERS AND IMPORT-ERS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of
Internal Revenue.

Preamble. 1. These regulations, 26 CFR Part 285, "Cigarette Papers and Tubes—Manufacturers and Importers," are promulgated to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275), and supersede 26 CFR (1939) Part 140, Subpart N, "Taxes on Cigarette Papers and Tubes."

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

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Subpart B--Definitions

285.11 Meaning of terms.

Subpart C-Taxes

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tubes and verified schedule.

AUTHORITY: §§ 285.1 to 285.193 are issued under authority of section 7805, I.R.C., (68A

under authority of section 7805, I.R.C., (68A Stat. 917; 26 U.S.C. 7805). Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope of Regulations

§ 285.1 Cigarette papers and tubes—manufacturers and importers.

This part contains the regulations governing the manufacture, importation, and removal of cigarette papers and tubes.

§ 285.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

Subpart B—Definitions

§ 285.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible

to, and functions under the direction and supervision of, a regional commissioner.

Any roll of tobacco, Ciaarette. wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making

Determined or determination. When used with respect to the tax on cigarette papers and tubes, shall mean that the number of books or sets of cigarette papers of each different numerical content or the number of cigarette tubes to be removed subject to tax has been established as prescribed by this chapter so that the tax payable with respect thereto may be calculated.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Export warehouse. A bonded internal revenue warehouse for the storage of tobacco products and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

Export warehouse proprietor. person who operates an export warehouse.

Factory. The premises of a manufacturer of cigarette papers and tubes in which he carries on such business.

Importer. Any person in the United States to whom nontaxpaid cigarette papers or tubes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned, and any person who smuggles or otherwise unlawfully brings cigarette papers or tubes into the United States.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Treasury Department duly authorized to perform any function relating to the administration or enforcement of this part.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of cigarettes. Any person who manufactures cigarettes, except for his own personal consumption.

Manufacturer of tobacco. Any person who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the the taxes imposed thereon by section

provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a person who in any manner prepares tobacco solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this subchapter..

Package. The container in which cigarette papers or tubes are put up and in which, or directly from which, such papers or tubes are offered for sale or delivery to the consumer.

Person. An individual, partnership, association. company. corporation. estate, or trust.

Region. An area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

Regional commissioner. The regional commissioner of internal revenue of an internal revenue region.

Removal or remove. The removal of cigarette papers or tubes from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Subpart C—Taxes

§ 285.21 Cigarette papers.

On each book or set of cigarette papers containing more than 25 papers, manufactured in or imported into the United States, the law imposes a tax of 1/2 cent for each 50 papers or fractional part thereof: except that, if cigarette papers measure more than $6\frac{1}{2}$ inches in length, they shall be taxable at the rate prescribed, counting each 234 inches, or fraction thereof, of the length of each as one cigarette paper.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 285.22 Cigarette tubes.

On cigarette tubes, manufactured in or imported into the United States, the law imposes a tax of one cent for each 50 tubes or fractional part thereof; except that, if cigarette tubes measure more than 61/2 inches in length, they shall be taxable at the rate prescribed, counting each 234 inches, or fraction thereof, of the length of each as one cigarette tube. (72 Stat. 1414; 26 U.S.C. 5701)

§ 285.23 Persons liable for tax.

The manufacturer or importer of cigarette papers and tubes shall be liable for

5701, I.R.C.: Provided, That when cigarette papers and tubes are transferred, without payment of tax, pursuant to section 5704, I.R.C., to the bonded premises of another such manufacturer, a manufacturer of cigarettes, a manufacturer of tobacco, or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such papers and tubes and the transferor shall thereupon be relieved of his liability for such tax. When cigarette papers and tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of such papers and tubes, a manufacturer of cigarettes, or a manufacturer of tobacco, the transferee shall become liable for the tax on the papers and tubes upon release from customs custody and the importer shall thereupon be relieved of his liability for such tax. Any person who possesses cigarette papers and tubes in violation of section 5751 (a) (1) or (a) (2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 285.24 Determination of tax and method of payment.

Except for removals without payment of tax and transfers in bond, as authorized by law, no cigarette papers and tubes shall be removed until the tax thereon imposed by section 5701, I.R.C., has been determined. The payment of taxes on cigarette papers and tubes which are removed on determination of tax shall be made by return in accordance with the provisions of this part.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 285.25 Return of manufacturer.

Every manufacturer of cigarette papers and tubes shall file for each of his factories, a tax return on Form 2137, in triplicate, with remittance, with the district director of the internal revenue district in which the factory is located on or before the 10th day of each month, showing the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes which were removed subject to tax during the preceding month: Provided, That when the last day for filing a tax return with remittance falls on Saturday or Sunday, or on a legal holiday of the District of Columbia, or on a Statewide legal holiday of the particular State where the return is required to be filed, the filing of such return with remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday. Such return shall be filed regardless of whether cigarette papers and tubes are removed subject to tax or whether tax is due for that particular month. The district director shall return a receipted copy of each tax return to the manufacturer, which copy shall be retained by such manufacturer.

(72 Stat. 1417, 68A Stat. 896; 26 U.S.C. 5703, 7503)

§ 285.26 Adjustments in the return of manufacturer.

Adjustments may be made in Schedules A and B of the manufacturer's monthly

tax return, Form 2137, as provided in this section. Schedule A of the return will be used where an unintentional error in a previous return resulted in an underpayment of tax. Schedule B of the return will be used where an unintentional error in a previous return resulted in an overpayment of tax, or where notice has been received from the assistant regional commissioner that a claim for allowance of tax has been approved. In the case of an overpayment. the manufacturer shall have the option of filing a claim (on Form 843) for refund or taking credit in Schedule B of the return. Any adjustment made in a return must be fully explained in the appropriate schedule or in a statement attached to and made a part of the return in which such adjustment is made. (72 Stat. 1417, 68A Stat. 791; 26 U.S.C. 5703,

§ 285.27 Return of importer.

Except for releases in bond as provided in § 285.132, where cigarette papers and tubes are imported into the United States the importer shall pay the tax thereon prior to removal. The importer shall file a tax return on Form 2139, in triplicate, with the district director, for, and prior to, each removal of cigarette papers and tubes from customs custody. The importer shall secure from the district director a copy of the tax return bearing acknowledgment of receipt of the remittance, which copy shall be presented to the appropriate customs officer, with the customs' entry, before such papers and tubes are released from customs custody. When the papers and tubes are so released, the customs officer shall endorse the copy of Form 2139 to show release of the articles and return this copy to the importer, which copy shall be retained by such importer.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 285.28 Assessment.

Whenever any person required by law to pay tax on cigarette papers and tubes fails to pay such tax in accordance with the provisions of this part, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart D-General

§ 285.31 Retention of records, returns, reports, and inventories.

Any record or any copy of a return, report, or inventory required to be kept under this part shall be retained by the manufacturer or importer for three

years following the close of the year in which filed or made, as the case may be, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423, 68A Stat. 901; 26 U.S.C. 5741, 7602)

§ 285.32 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where cigarette papers and tubes are produced or kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such cigarette papers and tubes shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 285.33 Interference with administration.

Whoever, corruptly or by force or threats or force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

§ 285.34 Disposal of forfeited, condemned, and abandoned cigarette papers and tubes.

(68A Stat. 855; 26 U.S.C. 7212)

When in the opinion of any Federal, State, or local officer having custody of forfeited, condemned, or abandoned cigarette papers or tubes, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such papers and tubes for consumption in the United States. Where the cigarette papers and tubes are not sold, the officer may deliver them to a Federal or State hospital or institution, or cause their destruction. Where such papers and tubes are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpaid, which tax shall be considered as a portion of the sales price. The tax on such papers and tubes shall be evidenced by the presentation, to the officer having custody of the papers and tubes, of a receipt from the district director showing such payment. In the case of such papers and tubes held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425; 26 U.S.C. 5753)

§ 285.35 Variations from requirements.

The Director may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and are not contrary to any provision of law. Any person, subject to the provisions of this part, who proposes to employ methods of operation other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, together with a report of his findings and his recommendation. Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the person granted the variations shall thereupon fully comply with the prescribed requirements of the regulations from which the variations were authorized.

(68A Stat. 917; 26 U.S.C. 7805)

§ 285.36 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Subpart E—Qualification Requirements for Manufacturers

§ 285.41 Persons required to qualify.

Every person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption, shall first qualify as a manufacturer of cigarette papers and tubes in accordance with the provisions of this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.42 Bond.

Every person, before commencing business as a manufacturer of cigarette papers and tubes, shall file a bond on Form 2102, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection there-

with for which he may become liable to the United States.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.43 Power of attorney.

If the bond or any other document required under this part is signed by an attorney in fact for an individual, partnership, association, company, or corporation, by one of the partners for a partnership, or by one of the members of an association, power of attorney on Form 1534 shall be furnished to the assistant regional commissioner. If such bond or other document is signed on behalf of a corporation by an officer thereof, it must be supported by duly authenticated extracts of the stockholders' meeting, by-laws, or directors' meeting authorizing such officer to execute such document for the corporation. Form 1534 or support of authority does not have to be filed again with an assistant regional commissioner where such form or support has previously been submitted to that assistant regional commissioner and is still in effect.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.44 Notice of approval of bond.

If the bond required under this part is approved by the assistant regional commissioner, he will assign a number to the factory of the manufacturer of cigarette papers and tubes for internal revenue purposes. The assistant regional commissioner will immediately notify the manufacturer, in writing, of the approval of his bond, in order that he may commence operations.

(72 Stat. 1421; 26 U.S.C. 5711)

Subpart F—Changes Subsequent to Original Qualification of Manufacturers

§ 285.61 Change in name.

Where there is a change in the individual, trade, or corporate name of a manufacturer of cigarette papers and tubes, the manufacturer shall, within 30 days of the change, file an extension of coverage of his bond, in accordance with the provisions of § 285.76.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.62 Change in proprietorship.

Where there is to be any change in proprietorship (including a change in the identity of the members of a partnership or association, but excluding any change in stock ownership in a corporation) of the business of a manufacturer of cigarette papers and tubes, the proposed successor shall, before commencing operations, qualify as a manufacturer of cigarette papers and tubes, in accordance with Subpart E of this part: Provided, That qualification as a manufacturer of cigarette papers and tubes will not be required where an administrator, executor, receiver, trustee, assignee, or other fiduciary successor intends to liquidate the business, if he promptly files with the assistant regional commissioner a statement to that effect, and furnishes certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such administrator, executor, receiver, trustee, assignee, or other fiduciary, together with an extension of coverage of the predecessor's bond executed by the administrator, executor, receiver, trustee, assignee, or other fiduciary and the surety, in accordance with the provisions of § 285.76. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively, and the successor shall make an opening inventory, in accordance with the provisions of § 285.92.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5721, 5722)

§ 285.63 Change in location within same region.

Whenever a manufacturer of cigarette papers and tubes contemplates a change in the location of his factory within the same region, the manufacturer shall, before commencing operations at the new location, file an extension of coverage of his bond, in accordance with the provisions of § 285.76.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.64 Change in location to another region.

Whenever a manufacturer of cigarette papers and tubes contemplates changing the location of his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part, and make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5721, 5722)

Subpart G—Bonds and Extensions of Coverage of Bonds

§ 285.71 Corporate surety.

Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(72 Stat. 1421, 61 Stat, 648; 26 U.S.C. 5711, 6 U.S.C. 6)

§ 285.72 Deposit of bonds, notes, or obligations in lieu of corporate surety.

Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the manufacturer of cigarette papers and tubes as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

§ 285.73 Amount of bond.

The amount of the bond of a manufacturer of cigarette papers and tubes shall be not less than the maximum amount of the tax liability on the cigarette papers and tubes manufactured in his factory, received without payment of tax from other factories, and released to him without payment of tax from customs custody during any month. In the case of a manufacturer commencing business, the production, receipts from other factories, and releases to him from customs custody, without payment of tax, shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where strengthening bonds are filed) shall not exceed \$20,000 nor be less than \$1,000.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.74 Strengthening bond.

Where the assistant regional commissioner determines that the amount of the bond, under which a manufacturer of cigarette papers and tubes is currently carrying on such business, no longer adequately protects the revenue, the assistant regional commissioner may require the manufacturer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 285.73. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond. or as limiting the amount of either bond to less than its full amount.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.75 Superseding bond.

A manufacturer of cigarette papers and tubes shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.76 Extension of coverage of bond.

An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the manufacturer of cigarette papers and tubes and by the surety on the bond with the same for-

mality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.77 Approval of bond and extension of coverage of bond.

No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part. Upon receipt of an approved bond or extension of coverage of bond from the assistant regional commissioner, such bond or extension of coverage of bond shall be retained by the manufacturer of cigarette papers and tubes in his factory and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.78 Termination of liability of surety under bond.

The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the effective date of a superseding bond, or the date of approval of the discontinuance of operations by the manufacturer of cigarette papers and tubes, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest. not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.79 Release of bonds, notes, and obligations.

Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of the security, the assistant regional commissioner may, for proper cause, extend the date of release of the security for such additional length of time as in his judgment may be appropriate.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

Subpart H—Operations by Manufacturers

INVENTORIES

§ 285.91 General.

Every manufacturer of cigarette papers and tubes shall make a true and accurate inventory on Form 2132, to the assistant regional commissioner, of the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes held by him at the times specified in this subpart, which inventory shall be subject to verification by an internal revenue

officer. A copy of each inventory shall § 285.112 Opening. be retained by the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.92 Opening.

An opening inventory shall be made by the manufacturer of cigarette papers and tubes at the time of first commencing business.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.93 Special.

A special inventory shall be made by the manufacturer of cigarette papers and tubes when required by any internal revenue officer.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.94 Closing.

A closing inventory shall be made by the manufacturer of cigarette papers and tubes when a change in proprietorship occurs, or he changes his location to another region, or concludes business. Where a change in proprietorship occurs, the closing inventory shall be made as of the day preceding the date of the opening inventory of the successor.

(72 Stat. 1422; 26 U.S.C. 5721)

RECORDS

§ 285.101 Records.

Every manufacturer of cigarette papers and tubes shall keep records of his daily operations and transactions, which shall reflect the date and number of books or sets of cigarette papers of each different numerical content and the date and number of cigarette tubes (a) manufactured; (b) received, without payment of tax-from another factory, an export warehouse, and customs custody, and by withdrawal from the market; (c) removed subject to tax; (d) removed, without payment of tax, forexport purposes, use of the United States. and transfer in bond pursuant to § 285.131; and (e) lost or destroyed. The entries for each day in the records maintained or kept under this subpart will be considered timely if made by the close of the business day following that on which the operations or transactions occur. No particular form of records is prescribed, but the information required shall be readily ascertainable from the records kept.

(72 Stat. 1423; 26 U.S.C. 5741)

REPORTS

§ 285.111 General.

Every manufacturer of cigarette papers and tubes shall make a report on Form 2138, to the assistant regional commissioner, of the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes manufactured, received, removed, and lost or destroyed. The report shall be made at the times specified in this subpart and shall be made whether or not any operations or transactions occurred during the period covered by the report. A copy of each report shall be retained by the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5722)

An opening report, covering the period from the date of the opening inventory to the end of the month, shall be made on or before the 10th day following the end of the month in which the business was commenced.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.113 Monthly.

A report for each calendar month shall be made on or before the 10th day of the next succeeding month.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.114 Special.

A special report, covering the unreported period to the day preceding the date of any special inventory required by an internal revenue officer, shall be made with such inventory. Another report. covering the period from the date of the special inventory to the end of the month, shall be made on or before the 10th day following the end of the month in which the inventory was made.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.115 Closing.

A closing report, covering the period from the first of the month to the date of the closing inventory, shall be made. with such inventory.

(72 Stat. 1422; 26 U.S.C. 5722)

PACKAGES

§ 285.121 Packages.

All cigarette papers and tubes shall, before removal subject to tax, be put up by the manufacturer in packages which shall be of such construction as will securely contain the papers or tubes therein. No package of cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422: 26 U.S.C. 5723)

MISCELLANEOUS PROVISIONS

§ 285.131 Transfer in bond.

A manufacturer of cigarette papers and tubes may transfer such papers and tubes, under his bond, without payment of tax, to the bonded premises of any manufacturer of cigarette papers and tubes, or to the bonded premises of any manufacturer of cigarettes solely for use in the manufacture of cigarettes. manufacturer of cigarette papers and tubes may similarly transfer cigarette papers to the bonded premises of any manufacturer of tobacco to be put up by the manufacturer of tobacco in units of of not more than 25 papers each for distribution with packages of his manufactured tobacco.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 285.132 Release from customs custody.

Imported cigarette papers and tubes may be released in bond from customs

custody, without payment of tax, for delivery to any manufacturer of cigarette papers and tubes, or to any manufacturer of cigarettes solely for use in the manufacture of cigarettes. Imported cigarette papers may be similarly released for delivery to any manufacturer of tobacco to be put up by him in units of not more than 25 papers each for distribution with packages of his manufactured tobacco. To so obtain release of cigarette papers and tubes, the manufacturer shall prepare a notice of release on Form 2145, which, after certification by the assistant regional commissioner that the applicant is a properly qualified manufacturer in his region, shall be presented to the customs officer having custody of the articles. The customs officer, upon completion of the notice of release, shall return one copy of the form to the manufacturer, which shall be retained by such manufacturer as a part of his records.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

§ 285.133 Use of the United States.

A manufacturer of cigarette papers and tubes may remove cigarette papers and tubes under his bond, without payment of tax, for use of the United States. Such removal shall be in accordance with the provisions of Part 295 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 285.134 Exportation.

A manufacturer of cigarette papers and tubes may transfer cigarette papers and tubes, under his bond, without payment of tax, to the bonded premises of an export warehouse proprietor or remove such papers and tubes, under his bond, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the provisions of Part 290 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

Subpart I—Discontinuance of Operations by Manufacturers

§ 285.141 Discontinuance of operations.

Every manufacturer of cigarette papers and tubes who desires to discontinue operations and close out his factory shall dispose of all cigarette papers and tubes on hand, in accordance with this part, and make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively.

(72 Stat. 1422; 26 U.S.C. 5721, 5722)

Subpart J-Operations by Importers

PACKAGES

§ 285.151 Packages.

All cigarette papers and tubes shall, before removal subject to tax, be put up by the importer in packages which shall be of such construction as will securely contain the papers or tubes therein: Pro-wided, That cigarette tubes removed as samples pursuant to the provisions of

§ 285.161 shall be exempt from the foregoing provisions of this section. No package of cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon, (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

EXEMPTIONS FROM TAX

§ 285.161 Exemption of certain samples from internal revenue taxes.

Samples of cigarette tubes, to be used in the United States by persons importing cigarette papers or tubes in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for cigarette tubes manufactured in foreign countries. Only one sample of cigarette tubes of the same brand, size, shape, color, weight, and burning characteristics, and having the same kind of tip. filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigarette tubes.

(71 Stat. 486; 19 U.S.C. 1201)

§ 285.162 Exemption of consular officers and employees of foreign states.

No internal revenue tax shall be due with respect to cigarette papers and tubes imported by a consular officer of a foreign state, or by an employee of a consulate of a foreign state, whether such papers and tubes accompany the officer or employee to his post in the United States, or are imported by him at any time during the exercise of his functions therein, if:

(a) Such officer or employee is a national of the state appointing him and is not engaged in any profession, business, or trade within the territory specified in this section;

(b) The papers and tubes are imported by the officer or employee for his personal or official use; and

(c) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state, as certified by the Secretary of State.

(68A Stat. 900; 26 U.S.C. 7511)

Subpart K-Claims

GÈNERAL.

§ 235.171 Abatement.

A claim for abatement of the unpaid portion of the assessment of any tax on cigarette papers and tubes, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount is assessed after the expiration of the applicable period of limitation, or is erroneously or illegally

assessed. Any claim under this section shall be prepared on Form 843, in duplicate, and shall set forth the particulars under which the claim is filed. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the tax or liability was assessed.

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(68A Stat. 792; 26 U.S.C. 6404) § 285.172 Allowance.

Relief from the payment of tax on cigarette papers and tubes may be extended to the manufacturer by allowance of the tax, where the cigarette papers and tubes, after removal from the factory upon determination of tax and prior to the time for payment of such tax. are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God. while in the possession or ownership of the manufacturer who removed such papers and tubes, or are withdrawn by him from the market. Any claim for allowance under this section shall be prepared in letter form, in duplicate, shall show the date the cigarette papers and tubes were removed from the factory. and shall be verified by a written declaration that it is made under the penalties of perjury. The original of a claim relating to cigarette papers and tubes lost or destroyed, supported as prescribed in § 285.181, shall be filed with the assistant regional commissioner for the region in which the articles were removed. The original of a claim relating to cigarette papers and tubes withdrawn from the market shall be filed with the assistant regional commissioner for the region in which the articles were removed. The schedule, as provided in § 285.191, shall be filed with the assistant regional commissioner for the region in which the articles are assembled. The manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the claim or any part thereof is received from the assistant regional commissioner, the manufacturer may make a proper adjusting entry and explanatory statement in a subsequent tax return or returns to the extent necessary to exhaust the credit.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.173 Refund.

The taxes paid on cigarette papers and tubes may be refunded (without interest) to the manufacturer or importer on proof satisfactory to the assistant regional commissioner that such manufacturer or importer has paid the tax on cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer or importer, or withdrawn by him from the market. Any claim for refund under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on cigarette papers and tubes by Chapter 52,

I.R.C., has been paid in respect to the cigarette papers and tubes covered by the claim and that the cigarette papers and tubes were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for refund relating to cigarette papers and tubes lost or destroyed shall be supported as prescribed in § 285.181, and a claim relating to cigarette papers and tubes withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 285.191 and 285.193. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.174 Remission.

Remission of the tax liability on cigarette papers and tubes may be extended to the manufacturer thereof where cigarette papers and tubes, before removal. or after removal for tax-exempt purposes, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer. Where cigarette papers and tubes are so lost or destroyed, the manufacturer shall report promptly such fact, and the circumstances, to the assistant regional commissioner for the region in which the factory is located. Where the manufacturer desires remission of the tax liability on such cigarette papers and tubes, he shall also prepare a claim in letter form, in duplicate, setting forth the nature, date, and extent of the loss or destruction, and shall verify, by a written declaration, that it is made under the penalties of perjury. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the factory is located.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.175 Retention by claimant.

A copy of each claim filed under this subpart, together with any verified supporting schedules, shall be retained by the manufacturer or importer for three years following the close of the year in which filed, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

LOST OR DESTROYED

§ 285.181 Action by claimant.

Where cigarette papers and tubes are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the manufacturer or importer desires to file claim under the provisions of § 285.172 or § 285.173, he shall indicate on the claim the nature, date, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the

satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

WITHDRAWN FROM THE MARKET

§ 285.191 Action by claimant.

Where cigarette papers and tubes are withdrawn from the market and the manufacturer or importer desires to file claim under the provisions of § 285.172 or § 285.173, he shall assemble the articles in or adjacent to a domestic factory if they are to be retained in or received into such factory, or at any suitable place if they are to be destroyed. The manufacturer or importer shall prepare a letter schedule, in triplicate, listing the cigarette papers and tubes and the factory or factories from which removed, or in the case of an importer, the district director or district directors to whom the tax was paid. The schedule shall also specify (a) whether it relates to a claim for allowance or a claim for refund, (b) the region in which the claim will be filed, (c) the place where the cigarette papers and tubes are assembled. (d) the disposition to be made of the articles, and (e) the date on which disposition of the articles is desired. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the cigarette papers and tubes are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.192 Action by assistant regional commissioner.

Upon receipt of a schedule of cigarette papers and tubes withdrawn from the market, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the cigarette papers and tubes, or he may authorize the manufacturer or importer to dispose of the articles, by so specifying on all copies of the letter schedule and returning the original and one copy to the manufacturer or importer.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.193 Disposition of cigarette papers and tubes and verified schedule.

When so authorized, as evidenced by the assistant regional commissioner's notification on the letter schedule, the manufacturer or importer shall dispose of the cigarette papers and tubes as specified in the schedule. After the manufacturer or importer has disposed of the cigarette papers and tubes, he shall execute a statement verified by a written declaration that it is made under the penalties of perjury, on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim. In connection with a claim for refund, the manufacturer or importer shall attach the original of the schedule to his claim filed under the provisions of § 285.173.

When an internal revenue officer is assigned to verify the schedule and supervise disposition of the cigarette papers and tubes, such officer shall, upon completion of his assignment, execute an appropriate certificate on all copies of the schedule to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his files, and in connection with a claim for refund, the officer shall return the original and one copy of the schedule to the manufacturer or importer, the original of which the manufacturer or importer shall attach to his claim filed under the provisions of § 285.173.

(72 Stat. 1419; 26 U.S.C. 5705)

[F.R. Doc 60-4572; Filed, May 19, 1960; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
[7 CFR Part 962]

FRESH PEACHES GROWN IN GEORGÍA

Expenses and Fixing Rate of Assessment for 1960–61 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed \$16,408.80 will be necessarily incurred by the aforesaid Industry Committee for its maintenance and functioning during the fiscal period beginning on March 1, 1960, under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships peaches shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at eight-tenths cent (\$0.008) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the 10th day following publication of this notice in the Federal Register.

Terms used in the amended marketing agreement and order shall, when used

herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 17, 1960.

S. R. SMITH,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-4576; Filed, May 19, 1960; 8:50 a.m.]

[7 CFR Part 973]

[Docket No. AO-178-A11]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et sec.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Minneapolis-St. Paul marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the Federal Register. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Minneapolis, Minnesota, on March 3, 1960, pursuant to notice thereof which was issued January 11, 1960 (25 F.R. 311) and an amended notice of hearing issued February 16, 1960 (25

F.R. 1491).

The material issues on the record of the hearing relate to:

(1) Revision of pool plant delivery performance requirements;

(2) Modification of the stated differentials and "supply-demand" adjuster in the Class I price formula;

(3) Revision of the basic price formula and price formula for Class II milk;

- (4) Revision of the price for "excess milk" under the base-excess payment plan;
- (5) An increase in the maximum rate of assessment for marketing services to producers who are not members of a cooperative association;

(6) The classification of skim milk and butterfat in sour cream and similar products with various brand designations:

(7) Diversion of certain milk at the Class I price;

(8) Inclusion of a "Louisville plan" of adjusting producer payments seasonally:

(9) An increase in the maximum rate of administrative assessment; and

(10) Several changes of language for the purpose of clarification and improved workability of order provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The pool plant delivery performance requirements should be modified under certain conditions.

Significant changes have taken place in recent years in this market which have caused the Minneapolis-located plant of the largest cooperative in the market to become a supply "balancing," or reservoir, plant with a resulting decrease in function as a regular supply plant. Because of changes in consumer buying habits, five- and six-day bottling by handlers, and bulk tank delivery to the city from nearly all farms of producers, the maintenance of pool status for the cooperative's balance plant on a continuing basis has been made extremely difficult, although the need for such an operation as a means of servicing the market and for the economic handling of milk actually has increased.

At the present time only 29 percent of the bottled milk sold is delivered to homes. The remainder is purchased by consumers at various stores, dairy stores and supermarkets. As the result of the purchasing pattern which has developed. there are wide day-to-day variations in amounts bottled and delivered by handlers which have caused even wider variations to develop in the daily volumes of milk they require from the cooperative's city plant. For example, in a sample week of June 1955, a daily low of 865,000 pounds was delivered to other handlers from this plant, while on the high day for the same week the amount was 1,073,942 pounds, a variation from low to high day of 24 percent. In a week occurring in June 1959 the low day of deliveries to other plants indicated 594,337 pounds and the high day 1,386,495 pounds, or a variation from low to high day of 133 percent. The September 1955 low to high variation was 49 percent compared with a September 1959 variation of 190 percent. In this connection it may be noted that members of this cooperative furnish 75-80 percent of the total market supply of milk for fluid use.

Stated in another way, day-to-day variations in deliveries to other plants from this city plant result in a high-day delivery as much as 30 percent above the daily average quantity for the week, while the low-day delivery may be as much as 40 percent below such daily average. In 1955 the range of the high

and low days were each within 10-12 percent of the daily average for the week.

When the bottling handler requires less direct-shipped milk it backs up into this plant for disposal as Class II milk. becoming a receipt of milk at such plant and increases the difficulty of pool plant qualification. The deliveries from such plant to bottling plants count toward pool plant delivery performance, but the plant receives no delivery performance credit for the portion of milk frequently handled at the plant which is directshipped from farm to bottling plants on other days of the week or month. Daily variations in receipts at the plant at times have exceeded 900 percent within the month. Without continuing pool status for this plant a large proportion of regular producers would be alternately in and out of the pool on individual days of the month.

Provision should be made, therefore, to enable this plant to receive delivery performance credit with respect to milk direct-shipped to various bottling plants in the city for which this type of plant performs a service operation. It is concluded that the provision proposed will tend to promote the efficient and orderly handling of milk.

(2) The Class I price formula should be revised.

Proposals were submitted which would modify both the supply-demand adjuster contained in the Class I price formula and the stated differentials.

The monthly ratios of supply to demand reflected in the standard, or "normal", percentages of the current supply-demand formula have prevailed in the order since early 1956, except for minor seasonal revisions made effective in September 1957. Such standard percentages were designed to encourage an adequate, but not burdensome, supply of milk, including a working reserve.

In the months of August, September, October and November 1959 Class I milk sales were 74.3, 86.0, 83.4, and 79.1 percent of producer receipts in each month, respectively. Although it was testified that in these months supplemental milk amounting to about 5 percent of total receipts was necessary to fulfill requirements on certain days of the week, only small quantities thereof were actually allocated to Class I milk on a monthly basis. (Official notice is taken of the published Statistical Summary of the market administrator for August-November 1959 which show the allocation of other source milk.)

The receipts and sales data indicate a reasonably good balance between the quantities of milk being supplied by producers and the Class I requirements of the market. Even though slightly higher percentages of producer milk receipts were utilized in Class I milk in the August-November 1959 period than in the same months of 1958, it may not be concluded that this market experienced a shortage of supply in the most recent low production season.

The present Class I formula provides for automatic price changes as shortages may develop and there is no indication in the record that such formula will **not** meet adequately and promptly any marked change in the supply situation. It is pertinent, perhaps, to point out in this connection that the statute requires the establishment of minimum prices at levels which will tend to equate supplies and sales. On both annual and monthly bases supplies are adequate to the need. It is reasonable to believe that adequate monthly supplies, particularly in a market where there is strong market organization of supplies, may be managed in a manner to fulfill the daily requirements of the market.

It is concluded, therefore, that the supply-demand adjuster should not be revised so as to increase the level of Class I price on the basis of the current

supply-demand relationship.

It is concluded elsewhere herein that the Class II price should be increased 10.2 cents. Since the Class II price is an alternate basic formula price, the basic formula price level could be affected by such modification and, in turn. affect the Class I price level unless the basic formula price provision is modified also. For the months of January, February, and March 1960 there would have been no impact on the level of the basic formula price resulting from the change in the Class II price formula, although in 1959 the revised formula would have been the effective basic price formula in seven months. In view of the prior finding that the Class I price should not be increased on the basis of the current supply-demand relationship, the basic formula price provision has been revised to retain the alternative formulas currently in effect.

Another price proposal considered would narrow the seasonal variation in the stated Class I price differentials from 40 cents to 20 cents per hundredweight. but without effecting a significant change in their annual average. In the presence of the base-excess plan the degree of seasonal variation in Class I price differentials becomes less significant as a means of encouraging in improved seasonal pattern of deliveries. Certainly three changes in levels of differentials during the year are not necessary in conjunction with the baseexcess plan. There was considerable support in the hearing for two changes in differentials per year, and we see no reason why such price pattern would not work satisfactorily in conjunction with other provisions. The provisions to implement such proposal are adopted to take effect December 1, 1960.

(3) The Class II price formula should be revised.

A producer organization proposed an increase of 10.2 cents in the Class II price by means of a reduction in the "make" allowance included in the so-called butter-nonfat dry milk solids formula.

Although cost rates for labor and some other items used in the manufacture of butter and nonfat dry milk solids have increased during recent years, larger-scale operations and increased efficiency of equipment have tended to reduce costs per hundredweight of milk processed. The change in type of container from barrels and drums to bags which has taken place in recent years has effected

a cost reduction in packaging of about 7 cents per hundredweight. Individual unregulated plants in the milkshed engaged primarily in butter-nonfat dry milk solids operations paid prices for milk in 1959 up to 29 cents per hundredweight higher than the annual average Class II price. The prices at eight such plants averaged about 16 cents higher in such period. Even though a somewhat lower rate of efficiency may be expected in connection with the disposition of the reserve supplies of a fluid milk market through this type of outlet, the proposed reduction of 10.2 cents in make allowance (or increase in price of like amount) is reasonable and should be adopted.

(4) The level of price for "excess milk" should be reduced.

Under the present order the price for excess milk under the base-excess plan is computed by the addition of 8 cents to the price per hundredweight for Class II milk.

Since practically all milk produced in excess of base in the base-operating months must be disposed of in manufacturing uses, it is concluded that the revised Class II price is an appropriate price for excess milk. Because of the Class II price revision which increases such price, as discussed earlier in this decision, there would be no decrease in actual return to the producer for excess milk as compared with present pricing. In fact, the actual price for excess milk would be slightly higher than under the present basis of pricing.

(5) The maximum rate of assessment for marketing services to producers who are not members of a cooperative association should be increased.

The present maximum rate of assessment for marketing services applicable to non-member milk is 2 cents per hundredweight. Income accruing on the basis of such rate has been insufficient to meet costs of check-weighing and checktesting and the dissemination of market information. A deficit in the marketing services fund was incurred in 1959 and based on latest available costs of testing, a significantly higher maximum rate will be required if such services are to be provided on any reasonable basis. December 31, 1959, the balance in the fund amounted to only \$48.87. Obviously, however, there are practical limitations which are involved, as well as service cost, in setting a maximum rate of assessment.

In the circumstances, it is concluded that the maximum rate of assessment should be increased from 2 to 6 cents per hundredweight of milk.

(6) Sour cream products, such as "Smetana", should be classified as Class I milk.

Sour cream is classified as Class I milk under the present order. Another product similar in form and consistency which is distributed under the name "Smetana" is classified as Class II milk on the basis of an order interpretation. The latter product, however, is so similar as to form, texture, composition, packaging, grade of milk required for processing, and purpose that no practical distinction in pricing under the regulation

should be made. This or any similar product required to be made from Grade A milk to be sold in the marketing area should be included in Class I milk, together with sour cream, in order that producers will receive a price commensurate with the costs involved in producing the Grade A milk so used.

(7) Provision should be made to include as pooled milk certain milk disposed of to nonpool plants for fluid dis-

position.

As previously indicated, the largest cooperative in the market furnishes producer milk to a number of handlers. It also supplies under full supply contracts, at the Class I price f.o.b. marketing area, milk for bottling at five relatively small nonpool fluid milk distribution plants located in communities adjacent to the present marketing area. Operators of such nonpool plants do not distribute significant quantities of milk within the marketing area. They rely, however, on pool plants as outlets for the reserve supplies associated with their fluid milk operations. It is customary for the cooperative to deliver milk to such plants from the farm in bulk tanks, but assignment of specific producers to such plants is complicated by the fact that the milk involved is commingled in bulk tanks with other milk customarily delivered directly from farms to pool plants. On any given day of the month the milk of a particular dairy farmer may be received at one of these nearby nonpool fluid milk plants and on another day at a pool plant for disposition in manufacturing uses. The milk of 20-30 dairy farmers is subject to handling in this manner.

In the interest of orderly marketing and to simplify pricing and payment with respect to member milk, the cooperative marketing the milk has proposed that the order provide for the continuous pooling of milk assigned to the nonpool fluid milk plants which, in fact, may be "in and out" of a pool plant on more than one occasion during the month. It is pertinent that such milk would be subject to compensatory payment if not eligible for pooling but yet allocated to Class I in a pool plant.

Provision for the inclusion of such milk in the pool would place the dairy farmers involved, who obviously are intimately associated with the market, on the same uniform price basis as other producers and thus tend to promote orderly marketing. The pooled value of milk would be enhanced since the bulk of the milk concerned is utilized as Class I milk. It is concluded that the proposal should be

adopted.

(8) A "Louisville plan" for distributing proceeds to producers should not be adopted.

A proposal was made to adjust producer prices seasonally by deducting a portion of monies accruing from Class I sales in the spring months and adding back such monies in four installments in the fall months.

The net effect of the proposal in terms of dollars payable to producers for Class I milk is a seasonality of Class I returns not substantially different from that which results from the present Class I

price differentials. The proposal would provide a somewhat higher return from Class I milk in December, January and February and a somewhat lower return in November. In other months there would be no substantial change from the present order. However, in view of the findings previously made in this decision in connection with the Class I price differentials (which, it may be noted, would increase the differential by 10 cents in December, January and February), the supply-demand adjuster and the base-excess plan, it is concluded that adoption of the proposed Louisville plan would serve no purpose additional to the objectives of the other provisions working in combination and might be adverse to the proposed changes in such other provisions. Therefore, such plan should not be adopted at this time.

(9) The maximum rate of administrative assessment should be revised.

The maximum rate of administrative assessment is 1.5 cents per hundred-weight of milk. The monies accruing to cover the administrative expense of order operation will not be sufficient, at such assessment rate, to meet monthly requirements and to maintain a reasonable reserve for contingencies over any substantial period of time. To provide sufficient funds for full enforcement of the order and to meet possible cost increases in order operations, it is concluded that the maximum assessment rate should be increased to 3.0 cents per hundredweight of milk. It is not expected, however, that more than a partial increase from the present rate will be required for administrative expenses in the immediate future.

(10) Certain changes in order language should be made for administrative purposes.

Several of the proposals heard were designed to clarify order language or to facilitate order administration. Among these were proposals to revise the dates on which handler reports are filed, the uniform prices are announced and producer payments are made. It was complained that the time periods allowed for compliance with such order requirements are not sufficient and that compliance therefore is made difficult from a purely mechanical standpoint. The producer organization marketing the bulk of the milk offered the proposals and there was no controversy. It is concluded that they should be adopted to ease this compliance problem.

Another producer proposal would revise the provision for computing on a skim milk equivalent basis the volume of nonfat dry milk solids or condensed skim milk used for fortification and reconstitution in fluid form to those instances when the resulting product is disposed of by a handler. This change thus would permit the disposition of nonfat solids to nonpool plants on an actual weight basis. facilitating such sales of dry solids from producer milk. Since the classification and pricing of milk disposed of in the marketing area is adequately protected through other order provisions, it is feasible to change the regulation in this respect. It is concluded that the proposal should be adopted.

Other minor changes of language of a self-explanatory nature have been made solely for clarification of certain provisions of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest: and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Minneapolis-St. Paul marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 973.9 [Amendment]

- (1) Delete § 973.9(b) in its entirety and substitute therefor the following:
- (b) (1) Except as provided in subparagraph (2) of this paragraph, any plant from which during any month 50

percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (i) a plant(s) which has qualified pursuant to paragraph (a) of this section, (ii) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (iii) a governmentallyowned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: Provided, That if during each of the months of July, August, September and October 50 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph. it shall be a pool plant through the following June: And provided further, That if not less than 30 percent of the total member producer milk of a cooperative association is delivered during each of the months of July, August, September and October as direct-shipped milk to a plant(s) described in paragraph (a) of this section located within the city limits of either Minneapolis or St. Paul, then any deliveries of milk by such cooperative association directly to such plant(s) may be considered, for the purposes of this paragraph, as having been received first at a plant of such cooperative association also located within the city limits of Minneapolis or St. Paul.

(2) Producer milk which was received on more than 45 days during the months of April, May and June at a pool plant qualified under this paragraph, which milk is caused to be delivered from farms to a pool plant(s) described in paragraph (a) of this section during any of the months of July, August, September and October shall be considered for the purposes of this paragraph as having been shipped from thence to the plant(s) described in paragraph (a) of this section: Provided, That the producers of such milk are listed on the payroll reports (of the respective plants) submitted pursuant to § 973.32 and appropriately noted on the reports of receipts and utilization submitted pursuant to § 973.30.

2. Delete § 973.11 in its entirety and substitute therefor the following:

§ 973.11 Producer.

"Producer" means any person, except a producer-handler, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant, or (b) moved in accordance with the conditions of § 973.44(c) (2) but allotted to a pool plant by listing on the payroll report of such plant pursuant to § 973.32, which milk shall be deemed to be received at such pool plant: Provided, That any such person whose milk is received from the farm at a pool plant during any portion of the period July through October, inclusive, but subsequently in such four-month period is received at a nonpool plant (except as provided above in this paragraph) shall not regain status as a producer prior to the next July 1.

§ 973.22 [Amendment]

3. In § 973.22(h) delete "13th" and substitute therefor "15th".

§ 973.30 [Amendment]

4. In § 973.30(a) delete "8th" and substitute therefor "10th".

5. In § 973.30(b) delete "8th" and substitute therefor "10th".

§ 973.41 [Amendment]

6. In the third parenthetical phrase in § 973.41(a) insert after the words "sweet or sour, including" the words "Smetana' and similar sour cream products and."

§ 973.44 [Amendment]

7. Delete from that portion of § 973.44 preceding paragraph (a) therein the word "transferred" and substitute therefor the word "moved".

8. Delete from § 973.44(b) the cross-reference "paragraph (c) (2) and (3) of this section" and substitute therefor the cross-reference "paragraph (c) (2), (3) and (4) of this section."

9. Delete § 973.44(c) and substitute therefor the following:

(c) As Class I milk if moved to a nonpool plant under any of the following circumstances: (1) by transfer in consumer packages; (2) directly from the farm under the full supply contract between a cooperative association and the operator of the nonpool plant, and the nonpool plant is one from which milk is disposed of in fluid form on routes: (3) by transfer in bulk as any item of § 973.41(a), except cream, and the nonpool plant is located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota; or (4) by transfer in bulk as cream and the nonpool plant is located as described in subparagraph (3) of this paragraph and is a plant from which milk is disposed of in fluid form on routes: *Provided*, That this subparagraph shall not apply in the case of cream transferred in bulk to any plant subject to another marketing agreement or order issued pursuant to the act, if such cream is allocated thereunder in the transferee-plant to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

§ 973.45 [Amendment]

10. Add in the proviso of § 973.45 after the word "disposition" the words "by a handler".

11a. Delete that portion of § 973.51 preceding paragraph (a) therein and sustitute therefor the following:

§ 973.51 Basic formula price.

The basic formula price per hundredweight to be used in determining the Class I price shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section:

b. Add the words "per hundredweight" after the phrase "(or field) prices" in § 973.51(a).

c. Add the following as § 973.51(c):

(c) (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any

price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the preceding month; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk, for human consumption f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

12. Delete § 973.53 in its entirety and substitute therefor the following:

§ 973.53 Class I price.

Subject to the differentials provided in §§ 973.55 and 973.56(a), the price per hundredweight for Class I milk each month shall be the basic formula price computed pursuant to § 973.51 plus an amount as follows: \$1.00 for July, August, September, and October; and \$.80 for other months: Provided. That prior to December 1, 1960, the following shall be added to the basic formula price in lieu of the above amounts: 70 cents for each month until July; \$1.10 for July, August, September, and October; and \$1.00 for November: And provided further, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percent- ages	Months used in com- puting current supply- demand ratio
January	88 82 78 73 71 70 68 66 70 86 88 88	October-November. November-December. December-January. February-February, February-March. March-April. April-May. May-June, June-July. July-August. August-September. September-October.

§ 973.54 [Amendment]

13. In § 973.54 delete the phrase "price for Class II milk" and substitute therefor the phrase "price per hundredweight for Class II milk."

14. Delete from § 973.54 the figure "75.2" and substitute therefor the figure "65".

§ 973.72 [Amendment]

15. Delete from \S 973.72(b) the phrase "plus 8 cents".

§ 973.73 [Amendment]

16. In § 973.73 delete "13th" and substitute therefor "15th".

§ 973.77 [Amendment]

17. In § 973.77(d) delete the words "producer" and "producer's" and substi-

tute therefor the words "person" and "person's", respectively.

18. In § 973.77(e) delete the word "producer" wherever it appears and substitute therefor the word "person".

§ 973.80 [Amendment]

19. In § 973.80(a) delete "10th" and substitute therefor "11th".

§ 973.90' [Amendment]

20. In § 973.90 delete the figure "1.5" wherever it appears and substitute therefor the figure "3".

§ 973.91 [Amendment]

21. In § 973.91(a) delete the figure "2" and substitute therefor the figure "6".

Issued at Washington, D.C., this 17th day of May 1960.

ROY W. LENNARTSON, Deputy Administrator.

[F.R. Doc. 60-4563; Filed, May 19, 1960; 8:49 a.m.]

[7 CFR Part 1034]

[Docket No. AO-323]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the County Court Room, District Courthouse, Edinburg, Texas, at 9:30 a.m., c.s.t., June 6, 1960, with respect to a proposed marketing agreement and order regulating the handling of lettuce grown in the counties of Willacy, Starr, Hidalgo, and Cameron in the State of Texas (Lower Rio Grande Valley). The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof.

The Texas Lettuce Committee, supported by the Valley Farm Bureau and the Texas Citrus and Vegetable Growers and Shippers Association, jointly submitted and requested the hearing on the proposed marketing agreement and order, of which the terms and conditions are as set forth below.

DEFINITIONS

§ 1034.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated, to act in his stead.

§ 1034.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 1034.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

§ 1034.4 Production area.

"Production Area" means the counties of Cameron, Hidalgo, Starr, and Willacy, in the State of Texas.

§ 1034.5 Lettuce.

"Lettuce" means all varieties of Lactuca sativa, commonly known as iceberg type head lettuce, grown within the production area.

§ 1034.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of lettuce owned by another person) who handles lettuce or causes lettuce to be handled.

§ 1034.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any other way to place lettuce in the current of the commerce within the production area or between the production area and any point outside thereof.

§ 1034.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of lettuce for market.

§ 1034.9 Grade and size.

"Grade" means any one of the established grades of lettuce and "size" means any one of the established sizes of lettuce as defined and set forth in U.S. Standards for Lettuce (§§ 51.2510 to 51.2524 of this title) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1034.10 Pack.

"Pack" means a quantity of lettuce in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits or any combination of these, recommended by the committee and approved by the Secretary.

§ 1034.11 Container.

"Container" means a box, bag, crate, hamper, basket, package, bulk load, or any other type of unit used in the packaging, transportation, sale, shipment, or handling of lettuce.

§ 1034.12 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of lettuce into grades, sizes, and packs for market purposes.

§ 1034.13 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of lettuce according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ 1034.14 Committee.

"Committee" means the South Texas Lettuce Committee, established pursuant to § 1034.20.

§ 1034.15 Fiscal period.

"Fiscal Period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1034.16 Export.

"Export" means shipment of lettuce to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

§ 1034.20 Establishment and membership.

- (a) The South Texas Lettuce Committee is hereby established. It shall consist of eleven members, with alternates, of whom seven shall be producers and four shall be handlers.
- (b) Each committee member or alternate shall be an individual who is (1) a resident of the production area, and (2) a producer or a handler, or officer or employee of a producer or handler or of a producers' cooperative marketing organization.

§ 1034.21 Selection.

Committee members and alternates shall be selected by the Secretary. Selection shall be from the production area at large. Initial producer members may be selected from nominations by producer and initial handler members may be selected from nominations by handlers. Thereafter, selections may be made from nominations in accordance with § 1034.23.

§ 1034.22 Term of office.

- (a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The term shall be so determined that about one-half of the total committee membership shall terminate each year.
- (b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1.034.23 Nominations.

Committee members and alternates may be selected from nominations made as follows:

(a) A meeting or meetings for election of nominees may be held for the production area at large;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe not later than July 1 of each year;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. Members and alternates must be permanent residents in the production area.

(e) Each person, whether producer or handler is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled.

§ 1034.24 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1034.23 the Secretary may, without regard to nominations, select the committee members and alternates, which selections shall be on the basis of the representation provided for in § 1034.20.

§ 1034.25 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1034.26 Vacancies.

To fill committee vacancies, the Secretary may select members or alternates from nominees on the current nominee list, or from nominations made in the manner specified in § 1034.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations.

§ 1034.27 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1034.28 Procedure.

- (a) Seven members of the committee shall be necessary to constitute a quorum. Seven concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.
- (b) The committee may meet by telephone, telegraph, or other means of communications and any vote cast at such a meeting shall be promptly confirmed in writing. At any unassembled meeting unanimous vote of all committee

members will be required to approve any action.

§ 1034.29 Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the excreise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1034.30 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms and provisions;
- (b) To make rules and regulations to effectuate the terms and provisions of this part:
- (c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

§ 1034.31 Duties.

It shall be, among other things, the duty of the committee;

- (a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;
- (b) To act as intermediary between the Secretary and any producer or handler:
- (c) To furnish to the Secretary such available information as he may request;
- (d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the salaries and define the duties of each such person, and to protect the handling of Committee funds through fidelity bonds;
- (e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to lettuce;
 - (f) To prepare a marketing policy:
- (g) To recommend marketing regulations to the Secretary;
- (h) To recommend rules and procedures for, and to make determinations in connection with, issuance of Certificates of Privilege;
- (i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary. At the end of each marketing season a statistical and historical report of operations shall be compiled and furnished to the Secretary.

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(1) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1034.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of lettuce under regulation handled by him as the first handler thereof during a fiscal period and the total quantity of lettuce under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 1034.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations,

§ 1034.42 Assessments.

- (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles lettuce which is regulated under this part shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.
- (b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.
- (c) At any time during, or subsequent to, a given fiscal period the committee

may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all lettuce which was regulated under this part and which was handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become

inoperative.

§ 1034.43 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from

whom it was collected.

- (2) The committee with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: Provided, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative. (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical. such funds shall be returned pro rata to the persons from whom such funds were collected.
- (b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.
- (c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.
- (d) The committee may make recommendations to the Secretary for one or more of the members, thereof, or any

other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

§ 1034.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lettuce. The expenses of such projects shall be paid from funds collected pursuant to § 1034.42.

REGULATIONS

§ 1034.50 Marketing policy.

- (a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on lettuce supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media. and copies thereof shall be submitted to the Secretary and shall be available generally.
- (b) Marketing policy statements relating to recommendations for régulations other than volume regulation shall give appropriate consideration to lettuce supplies for the remainder of the season, with special consideration to:
- (1) Estimates of total supplies including grade, size, and quality thereof, in the production area:
- (2) Estimates of supplies in competing areas:
- (3) Market prices by grades, sizes, containers, and packs;
- (4) Estimates of supplies of competing commodities;
- (5) Anticipated marketing problems;
- ·(6) Level and trend of consumer income; and
 - (7) Other relevant factors.
- (c) Marketing policy statements relating to recommendations for volume regulations shall give special consideration to:
- (1) Estimates of total lettuce supplies, and the quality and condition thereof, in the production area for the immediately succeeding regulation periods;
- (2) Estimates of lettuce supplies, and quality and condition thereof, in competing areas;
- (3) Lettuce prices by grades, sizes, containers, and packs, to growers, to handlers, and in receiving markets;
- (4) Anticipated special marketing problems, and
 - (5) Other relevant factors.

§ 1034.51 Recommendations for regulations

- (a) Upon complying with the requirements of § 1034.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.
- (b) At any time during a specified period for which the Secretary has fixed the quantity of lettuce which may be handled, if the committee deems such action advisable, it may recommend to the Secretary that such quantity be increased or decreased for such period. The committee's reasons therefor shall be submitted with any such recommendation.

§ 1034.52 Issuance of regulations.

- (a) The Secretary shall limit by regulation the handling of lettuce whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.
 - (b) Such regulations may:
- (1) Limit in any or all portions of the production area the handling, of particular grades, sizes, qualities, or packs, or any combination thereof, of any or all varieties of lettuce during any period;
- (2) Limit the handling of particular grades, sizes, qualities, or packs of lettuce differently for different varieties, for different portions of the production area, for different containers, or any combination of the foregoing, during any period;
- (3) Limit the handling of lettuce of establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity;
- (4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of lettuce:
- (5) Establish holidays by prohibiting the handling of lettuce during a specified period or periods. No regulation issued pursuant hereto shall be effective for more than 72 hours, and not less than 72 hours shall elapse between the terminations of any such holiday and the beginning of the next such period;
- (6) (i) Fix the total quantity of lettuce which may be handled by all handlers during a specified period. The quantity so fixed may be increased or decreased by the Secretary at any time during such period.
- (ii) Fix each handler's total allotment for any period and the proportion thereof which he may not exceed in any one day:
- (iii) Provide under uniform rules for equitable apportionment of handlers allotments of lettuce among producers thereof.
- (c) Quantity regulations may be issued upon determination that the committee and handlers have complied, or are prepared to comply, with the terms and provisions of § 1034.53.
- (d) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

- (1) That such action is warranted upon recommendation of the committee or other available information;
- (2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions:
- (3) That regulations issued hereunder obstruct or no longer tend to effectuate the declared policy of the act.

§ 1034.53 Estimates and allotments.

- (a) Uniform rules. The committee, with approval of the Secretary, shall establish uniform rules for estimating and determining the amount of lettuce, or any grade, size, or quality thereof, which each handler may handle on behalf of any or all producers thereof during any specified period or periods. Such rules shall provide for estimating and determining the current quantities available for sale by such producers, also methods for allotting the amounts of lettuce, or any grade, size, or quality thereof, to the end that the total quantity thereof to be handled by any handler thereof during any specified period or periods shall be apportioned equitably among producers thereof.
- (b) Declarations and estimates. The rules authorized in paragraph (a) of this section shall provide, among other terms and conditions, that
- (1) Each person who has lettuce available for current shipment shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for an allocation base and for allotments as provided in this part
- (2) Each application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least the name and address of the producer or duly authorized agent, if any, for each field or portion thereof, the lettuce of which is included in the quantity of lettuce available for current shipment by the applicant; an accurate description of the location of each such field or portion thereof, including the number of acres contained therein
- (3) Such application shall include only such lettuce for current shipment which the applicant controls by a bona fide written contract giving the applicant authority to handle such lettuce, or by having legal title or possession thereof, or by having executed a bona fide written agreement to purchase such lettuce.
- (4) Application shall state the harvesting percentages for each week or other specified allotment period for particular, identified fields during the harvesting periods when lettuce may be cut from such fields. Such declarations shall be pursuant to formulas established by the committee indicating the range of percentages which may be declared as available for harvest during each of the two or more weeks in which lettuce may be harvested from individual fields.
- (c) Committee verification. The committee shall check and determine the accuracy of the information sub-

mitted pursuant to this section and shall be permitted to make a thorough investigation of any application. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Committee calculations—(1) Allocation base. Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute the total quantity of lettuce available for current shipment by each person who has applied for an allocation base and for allotments. On the basis of such computation, the committee shall fix an allocation base for each person who is entitled thereto. Such allocation base shall represent the ratio between the total quantity of lettuce available for current shipment by each applicant and the total quantity of lettuce available for current shipment by all such applicants. The committee shall notify the Secretary of the allocation base fixed for each person and shall notify each such person of the allocation base fixed for him.

(i) Whenever the (2) Allotments. Secretary has fixed the quantity of lettuce which may be handled during any week, the committee shall calculate the quantity of lettuce which may be handled by each such person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the allocation base of such person and the total quantity of lettuce fixed by the Secretary as the total quantity of lettuce which may be handled during such week. The committee shall also calculate the amount which each handler with an allotment may handle on behalf of any or all producers for whom he declared lettuce available for sale to the end that such allotment shall be apportioned equitably among such producers. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

(ii) Lettuce contained in any handler's reported available supply of lettuce for a particular prorate period and not included in the allotment for such period shall remain unharvested until a certificate of compliance has been issued by a designated agent of the committee with respect to such unharvested lettuce. None of such unharvested lettuce may thereafter be harvested or cut for shipment unless all handlers' unharvested lettuce, originally contained in reports of available supply of lettuce for a particular period is authorized by the Secretary to be harvested for shipment. The Secretary may issue such authorization upon recommendation of the committee or upon other available information.

(e) Allotment loans. (1) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued: Provided, That such loans shall be confirmed to the committee by both parties thereto on the day any such agreement has been entered into, and such

agreements shall include a date for the repayment of such allotments to the lender during the then current marketing year. If, on the date of repayment specified in the loan agreement, the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after the repayment date as he has allotments available to him for that purpose: Provided, That no loans made during a marketing year shall be required to be repaid from allotments issued during the following marketing year.

(2) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to a confirmation of the loan agreement to the committee.

(3) An allotment shall be loaned, pursuant to paragraph (a) of this section for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(4) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof.

(f) Assignment of allotments. In connection with all handling of lettuce other than shipments by rail car, each handler who first handles lettuce shall at the time of handling issue to the consignee thereof, or his agent, an assignment of allotment covering each quantity of lettuce so handled. Such assignment of the allotment shall be on such forms and shall be issued in such manner as prescribed by the committee and shall contain such information as the committee may require.

§ 1034.54 Handling for special purposes.

Regulations in effect pursuant to §§ 1034.42, 1034.52, or § 1034.60 may be modified, suspended, or terminated to facilitate handling of lettuce for: (a) Relief or charity; (b) experimental purposes; (c) exports to Mexico; (d) other purposes which may be recommended by the committee and approved by the Secretary.

§ 1034.55 Safeguards.

The committee, with the approval of the Secretary, may establish through rules the requirements with respect to proof that shipments made pursuant to \$ 1034.54 were handled and used for the purpose stated.

INSPECTION.

§ 1034.60 Inspection and certification.

(a) Whenever the handling of lettuce is regulated pursuant to § 1034.52, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle lettuce unless it is inspected by an authorized representative of the Federal-State Inspection Service and it is covered by a valid inspection certificate, except when

relieved from such requirements pursuant to § 1034.52(d) or § 1034.54, or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of lettuce shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle lettuce after it has been regraded, repacked or resorted, or in any other way additionally prepared for market, unless such lettuce is inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked lettuce may be modified, suspended or terminated upon recommendations by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all lettuce so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When lettuce is inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of lettuce by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

REPORTS

§ 1034.80 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:
(1) The quantities of lettuce received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the data of each such disposition and the identification of the carrier transporting such lettuce; and (4) identification of the inspection certificates relating to the lettuce which were handled pursuant to §§ 1034.52 and 1034.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly ap-

pointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the lettuce received, and of lettuce disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 1034.81 Compliance.

Except as provided in this subpart, no handler shall handle lettuce, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle lettuce except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 1034.82 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1034.83 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1034.84 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of lettuce for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such lettuce produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1034.85 Proceeding after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1034.86 Effect of termination of amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1034.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1034.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1034.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the

Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1034.90 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or ommission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1034.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1034.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1034.93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 1034.94 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 1034.95 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of lettuce in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act such an order.¹

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: May 17, 1960.

ROY W. LENNARTSON, Deputy Administrator, Marketing Services.

[F.R. Doc. 60-4562; Filed, May 19, 1960; 8:48 a.m.]

¹Applicable only to the proposed agreement.

DEPARTMENT OF HEALTH, EDU-CATION. AND WELFARE

Food and Drug Administration
[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl) Phosphorothioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), notice is given that a petition has been filed by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate as follows:

3.0 parts per million in or on alfalfa, corn forage.

0.75 part per million in or on sweet corn (kernels and cob with husks removed), peas, almond hulls, pea forage, bean forage.

0.25 part per million in or on meat, fat, and other meat byproducts from cattle.

The analytical methods proposed in the petition for determining residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothicate are those cited in the notice of filing published in the Federal Register of March 21, 1957 (22 F.R. 1889), and in addition the following method is used:

The extracted residue is hydrolyzed with alkali to yield the corresponding substituted pyrimidine. The pyrimidine is washed free of interfering substances and the optical density measured in alkaline solution at 262 millimicrons.

Dated: May 13, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological
and Physical Sciences.

[F.R. Doc. 60-4556; Filed, May 19, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 60-WA-124]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6020 and 600.6070 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 20 presently extends, in part, from Houston, Tex., to Lake Charles, La., via Beaumont, Tex.,

including a south alternate from Houston to Lake Charles via the Houston VOR 090° and the Lake Charles VOR 241° True radials. VOR Federal airway No. 70 presently extends, in part, from Galveston, Tex., to Lake Charles, La., via intersection of the Galveston VOR 067° and the Lake Charles VOR 241° True radials. The Federal Aviation Agency has under consideration modification of Victor 20 by realigning Victor 20 south alternate from the Houston VOR to the Lake Charles VOR, via the intersection of the Houston VOR 090° and the Sabine Pass VOR 265° True radials, Sabine Pass VOR, to the Lake Charles VOR. In addition, it is proposed to modify the segment of Victor 70 from Galveston to Lake Charles, by realigning it from the Galveston VOR to the Lake Charles VOR via the Sabine Pass VOR direct station to station. These modifications would assist air traffic management by providing more precise navigation guidance along the airways. The control areas associated with Victor 20 and Victor 70 are so designated that they would automatically conform to the modified airways. Accordingly, no amendments relating to such control areas would be necessery.

If these actions are taken, VOR Federal airway No. 20 south alternate from Houston, Tex., to Lake Charles, La., would be redesignated via the intersection of the Houston VOR 090° and the Sabine Pass, Tex., VOR 265° true radials, Sabine Pass VOR, to the Lake Charles VOR. The segment of VOR Federal airway No. 70 from Galveston, Tex., to Lake Charles, La., would be redesignated via the Sabine Pass, Tex., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 13, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4546; Filed, May 19, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-18]

FEDERAL AIRWAY AND CONTROL AREAS

Modification and Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600, 601 and § 600.6015 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 15 presently extends, in part, from Houston, Tex., to College Station, Tex., via the intersection of the Houston VOR 323° and the College Station VOR 124° True radials. The Federal Aviation Agency has under consideration the following airspace actions:

1. The modification of Victor 15 segment from Houston to College Station by realigning it direct station to station.

2. The designation of VOR Federal airway No. 477 from Houston to Dallas, Tex., via the Leona, Tex., VOR and the intersection of the Leona VOR 338° and the Dallas VOR 170° True radials, including an east alternate from Houston to Leona via the Houston VOR 353° and the Leona VOR 141° True radials and an east alternate from Leona to Dallas, via the intersection of the Leona VOR 353° and the Dallas VOR 153° True radials, and a west alternate from Houston to Leona, via the intersection of the Houston VOR 314° and the Leona 173° True radials.

The modification of Victor 15 segment from Houston to College Station would facilitate air traffic management and flight planning by providing a direct route between the two terminals. The control areas associated with Victor 15 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be

necessary.

The designation of Victor 477 from Houston to Dallas via Leona would facilitate air traffic management and flight planning by providing a direct route between the two terminals. The designation of alternate airways to Victor 477 would facilitate air traffic management by providing arrival and departure routes for aircraft operating between the Houston and Dallas terminal areas.

If these actions are taken, the segment of VOR Federal airway No. 15 from Houston, Tex., to College Station, Tex., would be realigned direct station to station. VOR Federal airway No. 477 and associated control areas would be designated from Houston, Tex., to Dallas, Tex., via the Leona, Tex., VOR, and the intersection of the Leona VOR 338° and

the Dallas VOR 170° True radials, including an east alternate from Houston to Leona, via the Houston VOR 353° and the Leona 141° True radials and an east alternate from Leona to Dallas via the intersection of the Leona VOR 353° and the Dallas 153° True radials and a west alternate from Houston to Leona via the intersection of the Houston VOR 314° and the Leona VOR 173° True radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 13, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4547; Filed, May 19, 1960; 8:46 a.m.]

[14 OFR Parts 600, 601, 608]

[Airspace Docket No. 60-WA-105]

FEDERAL AIRWAYS, CONTROL AREAS, CONTROL ZONES AND RE-STRICTED AREAS

Modification and Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is con-

sidering an amendment to Part 601 and §§ 600.6128, 601.6128 and 608.43 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed airspace actions:

- 1. Modification of VOR Federal airway No. 128 which presently extends, in part, from Cincinnati, Ohio, to York, Ky. It is proposed to designate a north alternate to Victor 128 from the Cincinnati VOR to the York VOR via the intersection of the Cincinnati VOR 090° and the York VOR 301° True radials. The designation of this north alternate would facilitate air traffic management by providing an additional arrival and departure route for the Cincinnati terminal area. Victor 128 North would be utilized when the Wilmington, Ohio, Restricted Area (R-109) is not being used for its designated purpose.
- 2. Designation of a control zone at Wilmington, Ohio. It is proposed to designate a control zone within a 5-mile radius of the Clinton County Airport with a 12-mile extension to the northeast based on a bearing of 037° True from the Clinton County radio beacon. The designation of this control zone would provide protection for aircraft conducting IFR approaches and IFR departures at the Clinton County AFB. The portion of the control zone which coincides with the Wilmington, Ohio, Restricted Area (R-109) would be utilized when the Restricted Area is not being used for its designated purpose.
- 3. Designation of a control area extension at Wilmington, Ohio. It is proposed to designate as a control area extension the area within and adjacent to the Wilmington, Ohio, Restricted Area (R-109), bounded on the northeast and east by the Columbus. Ohio, control area extension (601.1042), on the south by VOR Federal airway No. 128, on the west by the Cincinnati control area extension (601.1089), on the northwest by VOR Federal airway No. 5. The designation of this control area extension would permit optimum use of the area for air traffic management when Restricted Area (R-109) is not in use by the Wright Air Development Division, Dayton, Ohio, and would provide protection to aircraft conducting instrument jet penetration approaches to the Wright-Patterson AFB, Dayton, Ohio.
- 4. Modification of the Wilmington, Ohio, Restricted Area (R-109) by designating the Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center as the Controlling Agency.
 - If these actions are taken:
- 1. Victor 128 north alternate and its associated control areas would be designated from Cincinnati, Ohio, to York, Ky., via the intersection of the Cincinnati VOR 090° and the York VOR 301° True radials.

- 2. The Wilmington, Ohio, control zone would be designated within a 5-mile radius of the Clinton County AFB (latitude 39°26′00′′ N., longitude 83°48′00′′ W.), within 2 miles either side of a line bearing 037° True from the Clinton County radio beacon extending from the 5-mile radius zone to a point 12 miles northeast of the radio beacon.
- 3. The Wilmington, Ohio, control area extension would be designated to include all of the airspace bounded on the northeast and east by the Columbus, Ohio, control area extension, on the south by VOR Federal airway No. 128, on the west by the Cincinnati, Ohio, control area extension, on the northwest by VOR Federal airway No. 5.
- 4. The Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center would be designated as the Controlling Agency of the Wilmington, Ohio, Restricted Area (R-109).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief. Air Traffic Management Field Division. Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 13, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4548; Filed, May 19; 1960; 8:46 a.m.]

Notices

DEPARTMENT OF HEALTH, EDU-CATION. AND WELFARE

Office of Education INSTITUTIONS OF HIGHER **EDUCATION**

Cut-Off Date for Filing Applications for Capital Contributions

July 1, 1960, is hereby established as the date on or before which all applications for Federal Capital Contributions from States' allotments or reallotments under Title II of the National Defense Education Act of 1958 (Pub. Law 85-864, as amended, 72 Stat. 1583, 20 U.S.C. 421) must be filed by institutions of higher education in order to be considered for payments from the appropriation for such purpose in the Department of Health, Education, and Welfare Appropriation Act, 1961.

The establishment of a deadline date for the filing of applications for Federal institutional loans will be announced in

the near future.

All applications shall be submitted to: Student Loan Section, Division of Higher Education, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

Applications received by mail will be considered filed as of the date of postmark.

Forms for application may be obtained from the above address.

Dated: May 4, 1960.

L. G. DERTHICK, Commissioner of Education.

Approved: May 16, 1960.

ARTHUR S. FLEMMING. Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-4554; Filed, May 19, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary [General Order 69 (Revised)]

ASSISTANT SECRETARY OF LABOR FOR EMPLOYMENT AND MAN-**POWER**

Assignment of Functions Under the **Immigration and Nationality Act**

By virtue of and pursuant to the authority vested in me by R.S. 161 (5 U.S.C. 22); section 212(a) of the Immigration and Nationality Act (66 Stat. 163); procedures required under §§ 103.2 (8 CFR, 1959 Supp. 103.2), 204.1 (8 CFR, 1959 Supp. 204, as amended by 24 F.R. 2959), and 214.4 (8 CFR, 1959 Supp. 214.4) of regulations issued by the Attorney General in accordance with the Immigration and Nationality Act; and Reorganization Plan No. 6 of 1950 (15 F.R. 3174, 64 Stat. 1263), the Assistant Secretary of Labor for Employment and Manpower, or, under his general direction and control, such other person or persons as he may designate, is hereby authorized to perform the following functions:

1. Certifying that qualified persons are not available within the United States to perform the work, labor, or services which are to be performed by immigrants admitted pursuant to Section 204(b) of the Immigration and Na-

tionality Act;

2. Certifying, with respect to non-immigrants admitted pursuant to section 214 of the Act, whether (a) qualified workers of the kind proposed to be admitted are available within the United States, and (b) the Employment Service policies have been observed:

3. Certifying, with respect to applications for extension of temporary admission under section 214 of the Act, that the facts which justified the admission of the alien continue to exist; and

4. Certifying, in connection with the exclusion of immigrants under section 212(a) of the Act that (a) sufficient workers who are able, willing, and qualified are available at the time (of the application for a visa and for admission to the United States) and place (to which the alien is destined) to perform such skilled or unskilled labor or (b) that the employment of such aliens will adversely affect the wages and working conditions of workers in the United States similarly employed.

This order shall become effective immediately and shall supersede all prior Orders, Instructions, Regulations or Memoranda of the Secretary of Labor to the extent that they are inconsistent

herewith.

Signed at Washington, D.C., this 13th day of May 1960.

> JAMES T. O'CONNELL, Acting Secretary of Labor.

IF.R. Doc. 60-4552; Filed, May 19, 1960; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-167]

LOCKHEED AIRCRAFT CORP.

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that the Lockheed Aircraft Corporation, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for a license to construct and operate a 10 watt pool-type nuclear reactor at the Georgia Nuclear Laboratories, Air Force

Plant No. 67 in Dawson County, Georgia. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of May 1960.

For the Atomic Energy Commission.

R. L. KIRK, Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-4541; Filed, May 19, 1960; 8:45 a.m.]

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Issuance of Construction Permit

Please take notice that the Atomic Energy Commission by an order of the Presiding Officer dated April 21, 1960, has issued Construction Permit No. CPPR-8, effective May 12, 1960, to Northern States Power Company. A public hearing on the proposed Construction Permit was held on February 15 and 16, 1960. The Presiding Officer delivered his intermediate decision and order authorizing issuance of the provisional construction permit substantially as set forth in the Notice of Hearing published in the FED-ERAL REGISTER on January 13, 1960, 25 F.R. 254.

Dated at Germantown, Md., this 12th day of May 1960.

For the Atomic Energy Commission.

H. L. PRICE, Director, Division of Licensing and Regulation.

F.R. Doc. 60-4542; Filed, May 19, 1960; 8:45 a.m.]

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY Notice of Amendment to Facility License

Please take notice that the Atomic Energy Commission has issued to The Pennsylvania State University, Amendment No. 6, set forth below, to Facility License No. R-2 authorizing (1) operation of The Pennsylvania State Reactor at power levels up to and including 200 kilowatts (thermal) for extended periods of time, and (2) an increase in the maximum amount of excess reactivity which may be loaded into the reactor.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the new conditions would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operating license.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene shall be filled by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated January 14, 1960, submitted by The Pennsylvania State University and (2) a hazards analysis of the amendment prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of May 1960.

For the Atomic Energy Commission.

R. L. KIRK,

Deputy Director, Division of

Licensing and Regulation.

[License No. R-2; Amdt. 6]

The utilization facility authorized to operate under License No. R-2, dated July 8, 1955, issued to The Pennsylvania State University, has operated under the license and amendments 1 to 5 thereto.

License No. R-2, as amended, is revised in its entirety to read as follows:

- 1. The Atomic Energy Commission (hereinafter "the Commission") finds that:
- A. The Pennsylvania State University will operate the facility in conformity with the application dated May 3, 1955, as amended, including the amendment dated January 14, 1960, (hereinafter referred to as "the application"), and in conformity with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission:
- B. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;
- C. The Pennsylvania State University is technically and financially qualified to operate the facility;
- D. Issuance of a license to operate the facility will not be inimical to the common defense and security or to the health and safety of the public;
- E. The Pennsylvania State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The Pennsylvania State

University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The Pennsylvania State University

A. Pursuant to section 104(c) of the Atomic Energy Act of 1954, as amended, and Title 10, CFR. Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the training and research reactor facility designated below, and to conduct experiments as described in the application.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess and use as fuel for the operation of the facility not more than 7,600 grams of contained uranium 235, of which approximately 100 milligrams may be used in fission chambers.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced in the operation of the facility.

3. This license applies to the facility which is owned by The Pennsylvania State University and located at University Park, Pennsylvania, and described in the application.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The University of Pennsylvania shall not operate the facility at a power level in excess of 200 kilowatts (thermal) without previous authorization from the Commission.

B. The fuel loading in the reactor shall be such that the excess reactivity above cold, clean critical and samarium poisoning shall not exceed 3.0 percent delta k/k.

C. The fuel element storage vault shall contain no more than two storage racks, and the racks shall be as described in the letter dated June 19, 1958, filed with the Commission by the University.

D. In addition to those otherwise required under this license and applicable regulations The Pennsylvania State University shall keep the following records:

- 1. Reactor operating records, including power levels.
 - 2. Records of in-pile irradiations.
- 3. Records showing radioactivity released or discharged into the air or water beyond the effective control of The Pennsylvania State University as measured at the point of such release or discharge.
- 4. Records of emergency scrams, including reasons therefor.
- E. The Pennsylvania State University shall immediately report to the Commission, in writing, any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.
- 5. This license is effective as of the date of issuance and shall expire at midnight June 30. 1965.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.
May 13, 1960.

[F.R. Doc. 60-4543; Filed, May 19, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI60-195 etc.]

COTTON VALLEY OPERATORS COMMITTEE ET AL.

Order Amending Order Accepting
Rate Schedule for Filing and Ordering Hearing on and Suspending
Proposed Change in Rate, Allowing
Increased Rate To Become Effective
Subject to Refund, Denying Motion
in Part and Terminating Proceedings

May 13, 1960.

On April 11, 1960, Cotton Valley Operators Committee (Operator), et al., (CVOC) filed a motion requesting clarification of the Commission order issued March 18, 1960, in this proceeding. Petitioners recite that the purpose of their motion is to obtain clarification from the Commission with respect to the scope of the agreement and undertaking to be filed by CVOC in compliance with the Commission's order.

Petitioners state that their interpretation of the order of March 18, 1960, is that the Commission intended the agreement and undertaking to be filed by CVOC with its refund obligation, should cover those interest owners who had not made filings with the Commission with respect to the second increase and those who had made filings but had not filed motions to make the second increase effective.

On April 21, 1960, Louisiana Nevada Transit Company (Louisiana Nevada) the purchaser from CVOC filed an answer to the motion requesting clarification. Louisiana Nevada contends that CVOC's motion although phrased in terms of a request for clarification, is in fact a request for modification of the Commission's order of March 18, 1960, as CVOC demonstrated in its motion that it fully understands the scope of the undertaking and agreement which the Commission's order requires CVOC to file.

We are concerned here with assuring the refund of any excess charges that the Commission may order at some future time in this proceeding. As CVOC is the operator in the Cotton Valley Unit, we believe that the public interest would best be served by ordering CVOC to file an undertaking and agreement that would not only assure refund of any excess charges of the increased rates that became effective March 21, 1960, but would also assure refund of any excess charges of those interest owners in the Cotton Valley Unit who have previously individually collected their increased rates subject to refund. We, therefore, do not believe that it would serve any purpose to discuss at this time the merits of the contentions and arguments advanced by the parties in this particular matter. In order to clarify our order of March 18, 1960, the undertaking and agreement contained therein in ordering clause (I) on pages 8 and 9 is hereby amended to read as follows:

4486 NOTICES

AGREEMENT AND UNDERTAKING OF COTTON VALLEY OPERATORS COMMITTEE (OPERATOR), ET AL.

Cotton Valley Operators Committee (Operator), et al., hereby agrees and undertakes to refund at such times and in such amounts to Louisiana Nevada Transit Company as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in Supplement No. 3, (which includes those co-owners listed in finding paragraph (3) of the order of March 18, 1960) and Supplement No. 4 (which is applicable to all interest owners in the Cotton Valley Unit including those listed in finding paragraph (4) of the order of March 18, 1960, who have collected their second increased rates) to Cotton Valley Operators Committee's FPC Gas Rate Schedule No. 1 in this proceeding, (Docket No. RI60-195) not justified together with interest thereon at the rate of 7 percent per annum on amounts collected subsequent to March 21, 1960, and at the rate of 6 percent per annum for those amounts previously collected by the individual co-owners from the dates of payment until refunded; to bear all costs of any such refunding, to keep accurate accounts in detailof all amounts received by reason of the increased rates or charges effective as of March 21, 1960, in Docket No. RI60-195 for each billing period, specifying by whom and in whose behalf such amounts were paid; and to report (original and one copy), in writing and under oath, to the Commission quarterly, for each billing period, the billing determinants of natural gas sales to Louisiana Nevada and the revenues resulting therefrom as computed under the rates in effect immediately prior to the effective dates of the increased rates, and under the rates and charges allowed to become effective, together with the differences in the revenues so computed, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of the committee, a certified copy of which is appended hereto, this ____ day of ______.
COTTON VALLEY OPERATORS COMMITTEE

COTTON VALLEY OPERATORS COMMITTEE (Operator), et al.

Attest:

(Secretary)

By the Commission.

Joseph H. Gutride, Secretary.

· [F.R. Doc. 60-4549; Filed, May 19, 1960; 8:46 a.m.]

[Docket No. RI60-335]

LE CUNO OIL CORP.

Order for Hearing and Suspending Proposed Change in Rates and Allowing Increased Rate To Become Effective

MAY 13, 1960.

Le Cuno Oil Corporation (Le Cuno) on April 14, 1960, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated. Purchaser: Texas Eastern Transmission Corporation. Rate schedule designation: Supplement No. 10 to Le Cuno's FPC Gas Rate Schedule No. 1.

Effective date: May 15, 1960. (Effective date is that proposed by Le Cuno.)

In support of its proposed periodic increased rate, Le Cuno cites the contract amendment providing for the periodic price escalation and states that the contract was negotiated at arm's length and that denial of the proposed increased rate would be discriminatory in relieving buyer of its contracted price obligation while obligating seller to make continued deliveries. Le Cuno also states that the proposed increased rate is in line with the fair market value of gas in the area and is needed to encourage exploration.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Le Cuno's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Le Cuno's proposed increased rate he made effective as hereinafter provided and that Le Cuno be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

- (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Le Cuno's FPC Gas Rate Schedule No. 1.
- (B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 16, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.
- (C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.
- (D) The rate, charge, classification, and service set forth in the above-designated filing shall be effective as of May 16, 1960: Provided, however, That, within 20 days from the date of this order, Le Cuno shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(E) Le Cuno shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in its respective proceeding not justified, together with interest thereon at the rate of seven percent per annum from the date of payment to Le Cuno until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly if Le Cuno so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under its rates in effect immediately prior to the date upon which its increased rates allowed by this order become effective, and under its rates allowed by this order to become effective, together with the differences in the revenues so computed.

(F) As a condition of this order, within 20 days from the date of issuance hereof, Le Cuno shall execute and file in triplicate with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Le Cuno Oil Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued (Date), in Docket No. R160-335, Le Cuno Gas Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ____ day of _____ 1960.

	_	CORPORATION
•	١	
(Secret		 -•

Unless Le Cuno is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

Attest:

(G) If Le Cuno shall, in conformity with the terms and conditions of paragraph (E) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

F.R. Doc. 60-4550; Filed, May 19, 1960; 8:46 a.m.]

[Docket No. RP60-10]

PENNSYLVANIA GAS CO.

Order Suspending Proposed Revised Tariff Sheet and Providing for Hear-

MAY 13, 1960.

On April 14, 1960, Pennsylvania Gas Company (Penngas) tendered for filing Fourth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, requesting an effective date of June 1, 1960, and proposing an increase in rate to 59.62 cents per Mcf, resulting in a revenue increase of \$12,200, based on the test period ending February 29, 1960.

In support of the proposed increased rate, Penngas submitted cost data for the test year with adjustments. Said adjustments reflect, inter alia, (1) the increased costs of purchased gas from Tennessee Gas Transmission Company, New York State Natural Gas Corporation, and Iroquois Gas Corporation, whose increased rates are in effect subject to further orders of the Commission; (2) increased labor and material costs; and (3) added revenues to reflect an increased rate of return with accompanying increased income taxes. The increased rate provided in Fourth Revised Sheet No. 4 may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the proposed rates, charges, classifications and services contained in the tariff of Penngas and that the aforesaid Fourth Revised Sheet No. 4 and the rate contained therein be suspended and the use thereof deferred as hereinafter

ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regula-tions under the Natural Gas Act (18 CFR Ch. I) a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Penngas FPC Gas Tariff, including the amendment thereof as set out in Fourth Revised Sheet No. 4 to its FPC Gas Tariff.

(B) Pending such hearing and decision thereon, the aforementioned Fourth Revised Sheet No. 4 be and it is hereby suspended and the use thereof deferred until November 1, 1960, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the

Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 24, 1960.

By the Commission (Commissioner Kline dissenting).

> JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 60-4551; Filed, May 19, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board ALCO AIR FREIGHT ET AL.

Notice of Cancellation of Freight Forwarder Registrations for Failure To Respond to Order

Notice is hereby given that the following freight forwarder registrations were cancelled May 10, 1960, in accordance with the Board's show cause order of April 4, 1960, which provided for such cancellation in the event response to that order was not received within the 30-day period specified.

Name and City	Reg. No.	Date issued
Alco Air Freight (Ft. Lauderdale, Fla.) (Harold C. Miner, d/b/a)	2320 2304 2272 2321 2268	6-12-58 4-18-58 3- 3-58 6-12-58 2-28-58 10- 6-58 1- 8-58
Garcia de Cohon, d/b/a)	2333	6-30-58

Dated: May 17, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER. Secretary.

[F.R. Doc. 60-4566; Filed, May 19, 1960; 8:49 a.m.]

[Docket No. S-113]

GRACE LINE INC.

Notice of Petition and Oral Argument

Notice is hereby given of the Petition filed by Grace Line Inc. under section 606(4), Merchant Marine Act, 1936, and Article II-32 of Contract F.M.B. No. 49, for a determination by the Federal Maritime Board that it cannot maintain and operate its vessels on Line D, Trade Route 33, with a reasonable profit on its investment and for a modification of said contract and rescission of the provisions thereof requiring Grace Line to operate and maintain service on said Line D of Trade Route 33. This petition may be inspected by interested parties in the Office of Hearing Examiners, Federal Maritime Board.

Any interested person, firm, or corporation desiring to file comments with regard to said petition of Grace Line Inc. may file with the Secretary, Federal Maritime Board, an orginal and 15 copies of such comments on or before the close of business May 27, 1960. Such comments may, when filed, be inspected by interested parties in the Office of Hearing Examiners.

Oral argument on the petition has been set before the Federal Maritime Board for June 2, 1960, at 9:30 a.m., e.d.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

Any person, firm, or corporation desiring to be heard on issues pertinent thereto must on or before the close of business. May 27, 1960, notify the Secretary, Federal Maritime Board, in writing, in triplicate, setting forth their interest in the matter and the amount of time desired. Requests for permission to be heard in this matter which are received after the close of business on May 27, 1960, will not be granted.

Dated: May 18, 1960.

JAMES L. PIMPER, Secretary.

[F. R. Doc. 60-4599; Filed, May 19, 1960; 8:51 a.m.]

Office of the Secretary

[Dept. Order 91 (Revised)]

WEATHER BUREAU

Organization and Functions

The material appearing in 23 F.R. 2361-63 of April 10, 1958, is superseded by the following:

SECTION 1. Purpose. The purpose of this order is to describe the organization and define the functions of the Weather Bureau.

SEC. 2. Organization. .01 The Weather Bureau, established by the Act of October 1, 1890 (26 Stat. 653; 15 U.S.C. 311), is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Chief of Bureau appointed by the President with the advice and consent of the Senate. The Chief of Bureau shall report and be immediately responsible to the Under Secretary of Commerce for Transportation.

.02 The Weather Bureau shall be

constituted as follows:

Chief of Bureau. Deputy Chief of Bureau.

Chief, Office of Planning.
Chief, Office of International Meteorologi-

Chief, Office of Coordination of National Meteorological Requirements.

Assistant Chief of Bureau for Technical Services.

Forecasts and Synoptic Reports Division. Observations and Station Facilities Divi-

Hydrologic Services Division.

Instrumental Engineering Division.

Director, Aviation Weather Services.

Director, Climatology.

Director, Meteorological Research and Development.

Assistant Chief of Bureau for Administration.

Budget and Management Division. Personnel Management Division. Administrative Operations Division. **NOTICES**

Public Information Coordinator. Field Organization. National Meteorological Center. National Weather Records Center. Severe Local Storm Center. National Hurricane Research Project. District Meteorological Offices. Regional Administrative Offices. Field Offices.

SEC. 3. Delegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by law and subject to such policies as the Secretary of Commerce may prescribe, the Chief of Bureau is hereby authorized to perform the functions and exercise the authority of the Secretary of Commerce under existing and subsequent legislation relating to the functions assigned in this order including but not limited to Title 15, Chapter 9, United States Code; Section 803, of the Act of August 23, 1958 (72 Stat. 783; 49 U.S.C. 1463); the International Aviation Facilities Act (62 Stat. 450; 49 U.S.C. 1151 et seq.); and the Act of June 16, 1948 (15 U.S.C. 313 note, 62 Stat. 470).

.02 The Chief of the Weather Bureau may redelegate and authorize the successive redelegation of the authority granted herein to any employee of the Weather Bureau and may prescribe such limitations, restrictions, and conditions in the exercise of such authority, as he

deems appropriate.

- SEC. 4. General functions. .01 The Weather Bureau provides the national meteorological service, which includes the preparation and distribution of forecasts and warnings of general weather conditions and of severe storms and floods for agriculture, aviation, commerce and other aspects of the national economy: the collection and dissemination of weather information; the development of improved applications of meteorological data; and research directed toward a better understanding of the atmosphere. In performing these functions the Bureau:
- Makes observations and measurements of atmospheric phenomena as required for scientific analysis and techniques for meteorological services and research:
- (2) Develops and distributes forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property;

(3) Collects, tabulates, analyzes, and publishes records of temperature, rainfall, and other climatic elements for the United States, the oceans, and certain

foreign areas:

- (4) Maintains constant watch over river stages and those weather conditions which produce floods; provides warnings of impending floods, in addition to regular forecasts of river stages for navigation and of seasonal water supply; participates with other Federal agencies in hydrometeorological investigations for overall planning and development of water resources;
- (5) Participates in the development and operation of a basic international meteorological reporting network, the maintenance of observational standards, the coordination of international exchanges of meteorological data, and the

promotion and development of meteorological science;

(6) Conducts research on the physical processes in the atmosphere, circulation patterns, improved techniques in weather forecasting, interaction of the oceans and atmosphere, and other aspects of the meteorological science.

SEC. 5. Functions of principal organization units. .01 The Chief of Bureau is responsible for developing the objectives of the Bureau, formulating policies and programs for achieving those objectives, and directing execution of these

programs.

.02 The Deputy Chief of Bureau is the principal assistant to the Chief of Bureau and shares with him generally in the direction of the Bureau. In the absence of the Chief, the Deputy assumes the duties and responsibilities of the Chief of Bureau.

(1) The Chief, Office of Planning provides staff assistance for the generation of plans in the respective technical offices directly engaged in scientific work and for coordination of the long term pro-

gram plans of the Bureau.

(2) The Chief, Office of International Meteorological Plans acts as advisor to the Chief of Bureau on preparation, coordination and presentation of the position of the United States Government with respect to participation in and contribution to international cooperative meteorological activities and furnishes Bureau representation before international meteorological organizations including the World Meteorological Organization and the International Civil Aviation Organization.

(3) The Chief, Office of Coordination of National Meteorological Requirements is responsible for the coordination of meteorological programs of national interest with other governmental agencies and, in addition, performs such other executive functions as the Chief of Bu-

reau may direct.

.03 The Assistant Chief of Bureau for Technical Services is responsible for the development and conduct of programs in the fields of forecasting, observations, synoptic meteorology, hydrology, instrument engineering, communications, and station facilities and for the technical direction of these programs throughout the field service.

.04 The Director, Aviation Weather Services is responsible for development of aviation meteorological services; working level coordination of special aviation weather programs with other agencies concerned; and for direction of certain aviation weather services by field offices. He is advisor to the Chief of Bureau on all matters pertaining to aviation weather services and is responsible for fulfilling specialized aviation weather requirements to the maximum extent possible with available resources.

The Director, Climatology is responsible for the collection of climatological data from field offices of the Weather Bureau and many foreign countries and for the analysis, storage, summarization and utilization of these data for the national economy. He formulates and conducts all phases of climatological research and development pro-

grams and provides the application of climatological data to other aspects of the national meteorological service.

.06. The Director, Meteorological Research is responsible for the meteorological research and development programs of the Bureau including research projects conducted in the field. He plans and leads basic and applied research programs directed toward discovery, extension, interpretation and application of new principles, concepts, data, and methods leading to a more complete knowledge and understanding of the atmosphere and the phenomena of weather which are important to the nation.

.07 The Assistant Chief of Bureau for Administration is responsible for all administrative functions including budget, fiscal, personnel, administrative management, organization, information, general services, and security and for the operation of the Regional Administrative Offices in providing supporting services

to field organization units.

.08 In the absence of the Chief of Bureau, the Deputy Chief, the Assistant Chief of Bureau for Technical Services, the Director, Aviation Weather Services, or the Assistant Chief of Bureau for Administration shall assume the duties pertaining to the Office of the Chief of Bureau, in the order named.

SEC. 6. Functions of the Technical Services Divisions. The Technical Services Divisions under the direction of the Assistant Chief for Technical Services provide, and are responsible for the fol-

lowing functions:

- .01 The Forecasts and Synoptic Reports Division directs the collection, scheduling, and processing of weather reports, and the development and dissemination of weather forecasts, warnings, and reports. It appraises demands for new or improved weather services, recommends appropriate modifications in programs to meet expressed needs, and adapts technical developments in the field of meteorology for use in forecasting offices throughout the service. The Forecasts and Synoptic Reports Division administers the daily forecasting operations of the Bureau and maintains close working relationships with activities involved in other organizations.
- .02 The Observations and Station Facilities Division plans, directs, and implements the basic weather observational program; devises observational aids, instructions and manuals; develops and applies standards for efficient utilization of equipment and space at field stations; and coordinates the several networks of substations (paid and cooperative) to obtain the most effective utilization of part-time observers.

.03 The Hydrologic Services Division plans and directs all hydrologic activities including the river and flood forecast and warning service; water supply forecasting service; and hydrometeorological studies including those pursued in cooperation with other Federal agencies.

.04 The Instrumental Engineering Division develops instruments to meet operating requirements for observing and recording meteorological elements; prepares practical specifications for the procurement of technical equipment and supplies; prepares and issues instructions for the installation, exposure, operation and maintenance of meteorological equipment; and establishes standards for efficient instrumentation within the field network of meteorological stations.

SEC. 7. Functions of the Administrative Divisions. The Administrative Divisions under the direction of the Assistant Chief for Administration provide and are responsible for the following functions:

.01 The Budget and Management Division administers the budget and management functions including budget preparation, presentation, and justification of program requirements to reviewing executive agencies and the Congress; allocation of funds for authorized activities; establishment and maintenance of budgetary controls; responsibility for manpower utilization, reports control, management improvement practices, organizational planning; administration of an internal audit program to assure compliance with legal, administrative and management requirements and Bureau objectives; preparation of budgetary and other reports on the effectiveness of the Bureau's programs.

.02 The Personnel Management Division administers the personnel functions, including personnel management with specific emphasis on position classification, wage administration; recruitment, placement and health services, employee awards, grievances and disciplinary actions, employee-employer relationships, and executive, administrative, and technical training programs. This Division applies the authorized standard personnel policies throughout the Bureau with special emphasis on coordination among the Regional Administrative Offices. It recommends development, revision and improvement of policies and puts them into practice.

.03 The Administrative Operations Division is responsible for the management and administration of procurement, property, accounting and fiscal, messenger services, control and utilization of Bureau automotive equipment, printing, distribution of printed and reproduced material, drafting, safety, security, and general administrative services. It directs the development, applications, and revision of standard administrative service policies throughout the Bureau and serves as the focal point for all civil defense activities of the Bureau except those of a technical service program nature.

.04 The Public Information Coordinator provides information on Weather Bureau activities to news media and makes recommendations on all matters pertaining to public and press relations of the Bureau. This office handles a variety of special material requests and other data for purposes of publication and/or release for public consumption.

SEC. 8 Functions of field organizations.

10 The National Meteorological Center provides analyses of current weather conditions over the Northern hemisphere and furnishes maps and charts depicting the current and future state of the atmosphere for general national and international uses throughout the field. The Center conducts research and de-

velopment programs in numerical weather prediction and provides for the gradual and orderly extension of objective techniques to all phases of the Bureau's hemispheric synoptic analysis, prognostic guidance and long-range forecast programs.

.02 The National Weather Records Center processes, analyzes, publishes and stores climatic data and serves as the national archives for weather records of the Weather Bureau, other Federal agencies and foreign countries.

.03 The Severe Local Storm Center analyzes conditions that cause severe local storms, including tornadoes, and prepares forecasts and warnings of these storms for field officers to issue to the public in localities affected.

.04 The National Hurricane Research Project collects specialized weather data and conducts research on hurricanes and tropical weather phenomena in order to develop techniques for hurricane and tropical storm warnings and forecasts.

.05 District Meteorological Offices, under the supervision of the Assistant Chief of Bureau for Technical Services, provide technical leadership and guidance to field stations with respect to meteorological observations, forecast research, forecast services of all types, and other technical work.

.06 Regional Administrative Offices provide administrative management services including personnel, procurement and fiscal services for the regular field offices of the Bureau; are responsible for facility installation, maintenance, and modification programs; appraise and make recommendations on field facilities and services; represent the Bureau with other designated Federal agencies in the field service and with designated state and municipal governments and others; and advise the Assistant Chief of Bureau for Administration on field operating problems and requirements.

.07 Field Offices include (1) service offices where observations of surface and upper-level meteorológical elements are taken, recorded, and transmitted on a daily, six-hourly, and/or hourly basis; forecasts of a general and specialized nature are prepared and disseminated on a regular basis; and special warnings and advices are issued when severe weather conditions are forecast; (2) a number of specialized service and processing centers for the purpose of providing service on a national or regional scale or centralized support services of an internal nature, i.e., the Weather Records Processing Centers, River Forecast Centers, Hydrologic Area Engineers Offices, Area and State Climatologist Offices, and Radiosonde Reconditioning Center, and Ocean Weather Patrol Project Offices: and (3) subordinate weather observation reporting stations, manned chiefly by unpaid observers who make climatological, hydroclimatic, river and flood, and aviation weather observations.

Effective date: May 3, 1960.

[SEAL] FREDERICK H. MUELLER, Secretary of Commerce.

[F.R. Doc. 60-4565; Filed, May 19, 1960; 8:49 a.m.]

ARTHUR W. McKINNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register during the last six months.

A. Deletions: No change. B. Additions: No change.

This statement is made as of May 8, 1960.

Dated: May 9, 1960.

ARTHUR W. McKINNEY.

[F.R. Doc. 60-4558; Filed, May 19, 1960; 8:48 a.m.]

GEORGE A. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register during the last six months.

A. Deletions: No change.
B. Additions:
Vance, Sanders & Company.
Airpax Electronics Inc.
Allegheny Ludlum Steel Corporation.
The Carpenter Steel Company.

This statement is made as of May 8, 1960.

Dated: May 10, 1960.

GEORGE A. SANDS.

[F.R. Doc. 60-4559; Filed, May 19, 1960; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMU-NITY FACILITIES ACTIVITIES, RE-GION III (ATLANTA)

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c), is hereby authorized within such Region:

1. To execute loan agreements involving loans for student and/or faculty housing and/or dining facilities, and to amend or modify and such loan agreement;

No. 99---7

2. To execute any loan agreement under the program in the amount approved by the Community Facilities Commissioner, and to amend or modify any such loan agreement.

This redelegation supersedes the redelegation effective December 22, 1959. (62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960, as corrected 25 F.R. 3198, April 13, 1960))

Effective as of the 20th day of May 1960.

[SEAL] WALTER E. KEYES, Regional Administrator, Region III.

[F.R. Doc. 60-4568; Filed, May 19, 1960; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMU-NITY FACILITIES ACTIVITIES, RE-GION III (ATLANTA)

Redelegation of Authority With Respect to Public Facility Loans

The regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region:

- 1. To enter into contracts with public agencies involving loans for essential public works or facilities in amounts not exceeding \$250,000, and to amend or modify any such contract provided that such amendment or modification does not increase the Federal loan beyond \$275,000;
- 2. To enter into contracts with public agencies for loans for such public works or facilities in amounts approved by the Community Facilities Commissioner, and to amend or modify any such contract provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than \$25,000 or 10 percent, whichever is the lesser.

This redelegation supersedes the redelegation effective December 22, 1959. (62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 20th day of May 1960.

[SEAL] WALTER E. KEYES, Regional Administrator, Region III.

[F.R. Doc. 60-4569; Filed, May 19, 1960; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III (ATLANTA)

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the program of advances for public works planning au-

thorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

- 1. To execute offers to public agencies for planning projects involving advances in amounts not exceeding \$30,000 per project, and to amend or modify contracts resulting from the acceptance of such offers provided that such amendments or modifications do not increase the Federal advances for any project beyond \$30,000;
- 2. To execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of \$30,000, and to amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Federal advance shall not be executed without the prior approval of the Community Facilities Commissioner;
- 3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs 1 or 2 above:
- 4. To authorize payments under any contracts resulting from acceptance of offers under subparagraphs 1 or 2 above.

This redelegation supersedes the redelegation effective December 22, 1959. (62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 20th day of May 1960.

[SEAL] WALTER E. KEYES, Regional Administrator, Region III. [F.R. Doc. 60-4570; Filed, May 19, 1960; 8:50 a.m.]

REGIONAL DIRECTOR OF URBAN RE-NEWAL, REGION III (ATLANTA)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The Regional Director of Urban Renewal, Region III (Atlanta), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1460), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1450 note), with respect to the demonstration grant program authorized under section 314 of

the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1452a), and with respect to the urban planning grant program authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U.S.C. 461), except those authorities which under paragraph 5 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective December 21, 1959 and the redelegations effective January 20, 1955 (20 F.R. 696, Feb. 1, 1955) and June 7, 1957 (22 F.R. 4425, June 22, 1957).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 20th day of May 1960.

[SEAL] WALTER E. KEYES, Regional Administrator, Region III.

[F.R. Doc. 60-4571; Filed, May 19, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I.C.C. Order 114-A]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 114 (The Ann Arbor Railroad Company) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 114, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 1:00 p.m., May 16, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 16,

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, Agent.

[F.R. Doc. 60-4574; Filed, May 19, 1960; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 17, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general fules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36241: Superphosphate—South Florida points to Winona, Minn. Filed by O. W. South, Jr., Agent (SFA

No. A3951), for interested rail carriers. Rates on superphosphate (acid phosphate), in carloads, from Agricola, Fla., and other specified points in Florida, to Winona, Minn.

Grounds for relief: Rail-barge-truck

competition.

Tariff: Supplement 85 to Southern Freight Association tariff I.C.C. 1522 (Spaninger series).

FSA No. 36242: Plastic materials—Baytown, Tex., to Kaukauna, Wis. Filed by Southwestern Freight Bureau, Agent (No. B-7799), for interested rail carriers. Rates on plastic materials, in carloads, as described in the application, from Baytown, Tex., to Kaukauna, Wis.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 64 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 36243: Paper and paper articles—Between Southwestern and WTL Territories. Filed by Southwestern Freight Bureau, Agent (No. B-7800), for interested rail carriers. Rates on paper and paper articles, in carloads, as de-

scribed in the application between points in southwestern territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 64 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 36244: Paper and paper articles—Southwest to Central Territory. Filed by Southwestern Freight Bureau, Agent (No. B-7801), for interested rail carriers. Rates on paper and paper articles, in carloads, as described in the application, from points in southwestern territory, to points in central territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Southwestern Freight Bureau tariff I.C.C. 4352.

FSA No. 36245: Woodpulp—Alabama points to WTL Territory. Filed by O. W. South, Jr., Agent (SFA No. A3952), for interested rail carriers. Rates on woodpulp, not powdered, in carloads, from Demopolis and Greentree, Ala., to points in western trunk line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 90 to Southern Freight Association tariff I.C.C. 1555 (Spaninger series).

FSA No. 36246: Iron and steel articles—Ohio River crossings to Baton Rouge and New Orleans, La. Filed by O. W. South, Jr., Agent (SFA No. A3953), for interested rail carriers. Rates on iron and steel articles, in carloads, from Ashland, and Newport, Ky., Cincinnati, New Boston, and Portsmouth, Ohio, to Baton Rouge, and New Orleans, La.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 102 to Southern Freight Association tariff I.C.C. 1592 (Spaninger series).

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-4561; Filed, May 19, 1960; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

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